SENATE—*Monday, December 2, 1985*

The Senate met at 12 noon, and was called to order by the Honorable ROBERT T. STAFFORD, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

In a moment of silence, let us pray for the complete recovery of Senators CHILES and EAST.

Trust in the Lord with all your heart; and lean not unto thine own understanding. In all your ways acknowledge Him, and He shall direct your paths.—Proverbs 3:5,6.

Father in Heaven, very few if any who work in the Senate or for the Senate view with expectation the final tension-filled days of this session. Rather, it is with apprehension and foreboding. Remembering the battles before Thanksgiving adjournment, with their delays, confusion, frustration, rancor, and exhaustion, many are discouraged. It has been said, "We come to the Lord by the process of elimination—nothing else works!" When we have no where else to look for relief, gracious God, we can look up, acknowledging the wisdom and grace of the God who made us, loves us, and is available to meet every need. And we can look within to the Holy Spirit, whose temple our bodies were meant to be, and find peace and direction. Make us wise in our spirits that we may reject human pride which refuses to admit inadequacy and turn to the Lord, who waits patiently to aid us. In the name of Him who is the way. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 2, 1985.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT T. STAFFORD, a Senator from the State of Vermont, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. STAFFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

PRAYERFUL THOUGHTS

Mr. DOLE. Mr. President, I thank the Chaplain. We certainly share his thoughts for both Senator CHILES and Senator EAST, and also Mrs. Goldwater, who had serious surgery in the last couple of days.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each.

I will ask unanimous consent that 5 minutes of my time be given to the distinguished Senator from Pennsylvania [Mr. HEINZ].

That will be followed by a special order of Senator PROXMIRE not to exceed 15 minutes and routine morning business not to extend beyond 1 o'clock.

At 1 o'clock, the Senate will turn to Calendar 300, S. 655, and Senator BOREN will be recognized to offer his PAC amendment, on which there will be 2 hours of debate today.

Following that, we hope to take up by unanimous consent the veterans' compensation COLA bill. Hopefully we can do that and pass that on a voice vote. There will be no rollcall votes today.

Also, Mr. President, we may proceed to the Executive Calendar this afternoon, for the nomination of Robert K. Dawson to be Assistant Secretary of the Army.

At 10 a.m. tomorrow, Tuesday, December 3, we will return to the Boren amendment. The vote will occur following policy luncheons at 2 p.m. on, I assume, a motion to table that amendment.

That will be followed by consideration of S. 1884, the Helms-Zorinsky farm credit system bill. The unanimous-consent agreement that was entered into prior to the Thanksgiving recess provides for 4 hours of debate on the bill.

Following the disposition of S. 1884, the unanimous-consent order provides that a motion to reconsider H.R. 2100, the farm bill, would be in order. This provides us an opportunity to confirm that there are no major errors in the final drafting of the farm bill to comply with the memorandum of intent submitted with the agreement on H.R. 2100. We currently believe that there is no disagreement. If that is the case, we may be able to vitiate that order tomorrow. These bills will pretty much consume tomorrow.

We will have a number of matters to take up the balance of the week. However, I am not currently in a position to indicate to my colleagues the schedule for either Friday or Saturday of this week. Much depends on when we will adjourn for the year. And there are some must items of legislation that must be dealt with.

I think the farm credit legislation is certainly one item. I see the distinguished chairman of the Agriculture Committee is in the Chamber. Then, there are the farm bill itself, the debt limit extension, and reconciliation. In addition the continuing resolution is certainly one item that we must consider before adjournment this year.

I expect a busy schedule over the next 2 weeks so hopefully we can conclude all of this by the 12th or 13th or 14th of December.

The ACTING PRESIDENT pro tempore. Did the Chair understand the majority leader asked unanimous consent to yield 5 minutes of his time to the Senator from Pennsylvania?

Mr. DOLE. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does the distinguished majority leader need any additional time now that he has given some to Senator HEINZ?

Mr. DOLE. No.

Mr. BYRD. I could give it to him.

Mr. DOLE. I appreciate that.

Mr. BYRD. Mr. President, will the distinguished majority leader indicate what he anticipates with respect to appropriations bills that will be taken up before we go out?

Mr. DOLE. I am advised by the chairman of the Energy Committee that they would like to dispose of the Interior appropriations bill. In fact, we may turn to that tomorrow. It is the unfinished business.

I am not aware of any other bill that will not be taken care of in the continuing resolution.

Mr. BYRD. What about the defense appropriation bill, may I ask?

Mr. DOLE. I have been advised as recently, I think, as the day we recessed that there will be an effort to incorporate that into the continuing resolution.

Mr. BYRD. Mr. President, does the distinguished majority leader anticipate any action on any appropriation bills other than the Interior appro-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

priation bill and the continuing resolution?

Mr. DOLE. My answer would be a tentative no, except with respect to some conference reports that may be pending. There was some discussion of doing defense appropriations. I have not checked this with the distinguished chairman of the committee, Senator HATFIELD, but I think they are going to wrap most of that into the continuing resolution.

Mr. BYRD. Will the distinguished majority leader indicate whether or not the Senate may adjourn sine die without final action on the reconciliation bill?

Mr. DOLE. I am in a meeting right now, I indicate to the minority leader, with the distinguished chairman of the Budget Committee, Senator DOMENICI. The schedule may depend on whether or not they can proceed without Senator CHILES, because he is a very valuable member of that committee and that conference, on both Gramm-Rudman and reconciliation. I will check with the Budget Committee chairman and try to get word to the minority leader.

Mr. BYRD. I thank the distinguished majority leader.

Mr. President, I ask unanimous consent that 5 minutes of my time may be transferred to the majority leader for his use in transferring it to any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Does the Democratic leader wish to be recognized now or later?

Mr. BYRD. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. BYRD. Mr. President I ask that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR HEINZ

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

COMPREHENSIVE CAMPAIGN REFORM ACT OF 1985

Mr. HEINZ. Mr. President, tomorrow I will introduce a measure having to do with campaign financing—specifically, the Comprehensive Campaign Reform Act of 1985.

I want my colleagues who are interested in this subject—since we will be considering tomorrow an amendment that is related to this subject—to study this legislation, which I ask unanimous consent to be printed in the RECORD at the conclusion of my remarks, together with a section-by-section analysis of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. HEINZ. Mr. President, this bill, the Comprehensive Campaign Reform Act of 1985, unlike the one I referred to a moment ago and which will shortly be under consideration by the Senate in amendment form, deals positively and comprehensively with the complex question of campaign law reform. It is identical in most respects to legislation introduced in the last Congress by Senator LAXALT and Senator LUGAR and adopts the same goal—namely, increasing democratic accountability and broadening participation in the political process by strengthening the role of the political parties. Both Republicans and Democrats will benefit from this effort, and, more important, the American people will benefit from an electoral process providing them a better opportunity to participate effectively.

As I mentioned, I will introduce this bill tomorrow. It would be possible to take it up tomorrow, but I would prefer that this bill not be taken up at this time by the Senate. Indeed, my major objection to the legislation which will shortly be pending before the Senate is that it is being considered in too perfunctory a fashion. It really is not being considered at all. No hearings have been held; no markup has been held; it has not gone through the legislative process. So I would prefer that the measure I am introducing, the Comprehensive Campaign Reform Act of 1985, be considered fully when we return in January and in due course, through the appropriate legislative process, be given hearings, debate on the merits, refinement amendments, and so forth.

I must say that I would be prepared to bring up the legislation on the floor this week if the Senate is convinced that it has to act on so fundamental a matter as electoral reform in a hasty and unconsidered manner.

The bill I am introducing does provide a comprehensive alternative for the Senate to consider in addressing the basic issue of how the American people will choose those who will govern.

The object of this bill is to provide more, not less, freedom to participate in the political process. The courts have already ruled in several major decisions that Americans have the right to become involved in political campaigns and that contributing to the candidate of one's choice is an essential exercise of that basic right. Such a right may not be abridged, and it should be limited only when a very great burden of evidence demands it. I may say that no such evidence has been displayed as yet before this body.

I believe that campaign finance should be based on voluntary contributions with full disclosure. This is the basic principle which should guide us in deliberating upon campaign law reform. I firmly believe that there should be no restriction on the right of individuals, and individuals in groups, to participate in the political process and advocate their electoral preferences. The necessary corollary, in my view, is that the public has an absolute right to know who is contributing to each campaign, and the form and extent of their support. Americans are fully capable of judging for themselves how that support should affect their view of the candidates. Through full disclosure, we can achieve unfettered political expression combined with an open political process in which informed voters make their own choices.

This bill promotes that goal by loosening arbitrary restraints on participation through political parties. Freedom in the political process means the right—and the practical ability—to assemble and pursue shared goals and objectives with others of like mind. The broadest, and least captive to special interests, of such political associations are our national political parties. If the fraction of campaign money contributed by PAC's is troublesome to some, then the solution is to encourage participation in the electoral process through the most democratically accountable associations, representing the widest range of interests: the national parties.

Specifically, our bill would permit the national committees of political parties to provide an unlimited supply of campaign materials to candidates. It would also allow national committees to provide unlimited assistance to candidates for registration and get-out-the-vote drives. These changes would extend to the national party organizations the same freedom and ability to assist candidates that the 1979 Amendments to the Campaign Act extended to State parties. Those amendments were a welcome improvement, and should be extended further.

Also, this bill permits the national parties to provide unlimited but fully disclosed assistance to House and Senate candidates. Such assistance is severely limited under present law. For example, the senatorial committees—of one of which I am currently chairman, so I know how impractical the limitations are—may now contribute no more than $17,000 directly to any candidate. This bill would raise that limit to $30,000. More significantly, the committees are now limited as to how much they can spend in coordination with a candidate in the general election. These limits on so-called coordinated expenditures should be lifted in their entirety. The parties,

State and national, should be able to spend all funds which they can raise on behalf of their candidates, so long as contribution sources are fully disclosed and made public. Importantly, this bill does not remove the current restrictions on funding sources, such as the prohibition on corporate and labor union contributions. I know from experience that party money tends to come in relatively small amounts from a great many individuals; it is the very opposite of "special interest" money.

As an essential predicate to all of this party activity, the bill strengthens the base of the entire campaign finance system by raising the individual contribution limit from $1,000 to $3,000 per election. The $1,000 limit has been in effect since 1974. In the intervening years, inflation has risen by over 200 percent the cost of campaign sources even more so. We should not tolerate the curtailment by inflation of the exercise of basic constitutional rights. Although this bill does not propose it, I believe that the Congress should in the near future consider an indexing of individual limits to the CPI or some other inflation-adjusted indicator.

Finally, this bill also strengthens the administration of the election laws by directing some long sought reforms to aid practice before the Federal Election Commission. For the most part, these are geared at streamlining procedures so as to facilitate the rapid and fair disposition of matters pending before the Commission. In addition, certain provisions extend to proceedings before the Commission the due process safeguards available before other agencies and tribunals, guaranteeing at least a basic right to be heard before final disposition of a party's case.

But for the most part, Mr. President, the bill I am introducing, like the one introduced in the last Congress by Senators LAXALT and LUGAR, restores to both of the national political parties a measure of the importance which they seem to have lost over the last decade. Unlike some others, I do not believe that PAC's or other such groups are in any significant way responsible for this decline. Certain changes in the campaign law in recent years have had a lot more to do with that. But Mr. President, those who are concerned about the role of PAC's should share with me the conviction that strengthening the most democratically accountable and most broadly representational source of campaign financing is a step in the right direction.

EXHIBIT 1

TO AMEND THE FEDERAL CAMPAIGN REFORM ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Campaign Reform Act Amendments of 1985".

SEC. 2. Except as otherwise expressly provided in this Act, any reference in this Act to a section or other provision is a reference to a section or other provision of the Federal Election Campaign Act of 1971.

SEC. 3. (a) Section 301(8)(A)(i) (2 U.S.C. 431(8)(A)(i)) is amended by inserting after "Federal office" the following: "Or for the purpose of expressly advocating that a clearly identified individual become a candidate for Federal office" (b) Section 301(8)(B) (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking out "and" after the semicolon;

(2) in clause (xiv), by striking out the period and inserting thereof "; and"; and

(3) by adding at the end the following new clause:

"(xv) with respect to a political committee of a political party, any payment to such committee specifically designated to defray establishment, administration, and solicitation costs of such committee, but such payment shall be reported in accordance with section 304(a)(11).".

(c)(1) Section 301(8)(B)(x) (2 U.S.C. 431(8)(B)(x)) is amended by striking out "by a State" and inserting in lieu thereof "by a national, State,".

(2) Section 301(8)(B)(xii) (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by striking out "by a State" and inserting in lieu thereof "by a national, State,"; and

(B) by striking out "for President and Vice President".

(d) Section 301(9)(A)(i) (2 U.S.C. 431(9)(A)(i)) is amended by inserting after "Federal office" the following: "or for the purpose of expressly advocating that a clearly identified individual become a candidate for Federal office".

(e) Section 301(9)(B) (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix), by striking the "and" after the semicolon;

(2) in clause (x), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(xi) with respect to a political committee of a political party, any establishment, administration, solicitation costs of such committee, but such costs shall be reported in accordance with section 304(a)(11);".

(f)(1) Section 301(9)(B)(viii) (2 U.S.C. 431(9)(B)(viii)) is amended by striking out "by a State" and inserting in lieu thereof "by a national, State,".

(2) Section 301(9)(B)(ix) (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by striking out "by a State" and inserting in lieu thereof "by a national, State,"; and

(B) by striking out "for President and Vice President".

SEC. 4. Section 304(a) (2 U.S.C. 434(a)) is amended by adding at the end the following new paragraph:

"(11) If the committee is a political committee of a political party, with respect to payments under section 301(8)(B)(XV) and costs under section 301(9)(B)(VI) the treasurer shall file—

"(A) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

"(B) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 3 of the following calendar year.".

SEC. 5. Section 307(e) (2 U.S.C. 437(e)) is amended to read as follows—

"(e) Except as provided in section 437g(a)(8) of this title and except with respect to complaints alleging a violation of 438(a)(4) of this title, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.".

SEC. 6. Section 308(a)(2) (2 U.S.C. 437(a)(2) is amended by striking out "or any authorized committee of such candidate" and inserting in lieu thereof "any authorized committee of such candidate, or any political committee of a political party".

SEC. 7. (a) Section 309(a) (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraphs:

"(13) The Commission shall establish time limitations for investigations under this subsection.

"(14) The Commission shall publish an index of all investigations under this section and shall update the index quarterly.".

(b) Section 309(a)(2) (2 U.S.C. 437g(a)(2)) is amended by adding at the end the following new sentences: "Before the Commission conducts any vote under this paragraph based on information ascertained in the normal course of carrying out its supervisory responsibilities, the person alleged to have committed the violation shall be notified of the allegation and shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the information. Prior to any determination, the Commission may request voluntary responses to questions from any person who may become the subject of an investigation. A determination under this paragraph shall be accompanied by a written statement of the reasons for the determination.".

(c) Section 309(a)(3) (2 U.S.C. 437g(a)(3)) is amended by adding at the end the following new sentences: "The Commission shall make available to a respondent any documentary or other evidence relied on by the general counsel in making a recommendation under this subsection. Any brief or report by the general counsel that replies to the respondent's brief shall be provided to the respondent".

(d) Section 309(a)(4)(A) (2 U.S.C. 437g(a)(4)(A) is amended by adding at the end the following new clauses:

"(iii) A determination under clause (i) shall be made only after opportunity for a hearing upon request of the respondent and shall be accompanied by a statement of the reasons for the determination.

"(iv) The Commission shall not require that any conciliation agreement under this paragraph contain an admission by the respondent of a violation of this Act or any other law.".

(e) Section 309(a)(5) (2 U.S.C. 437g(a)(5)) is amended—

(1) by striking out subparagraph (A); and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C) respectively.

SEC. 8. The sentence beginning "The district court" in section 310(a) (2 U.S.C. 437h(a)) is amended by striking out", which shall hear the matter sitting en banc",

SEC. 9. (a) Section 311(a) (U.S.C. 438(a)) is amended—

(1) by inserting the following new paragraph as subsection (5):

"(5) require each person requesting copies of reports and statements to sign an affida-

vit certifying that the information requested shall not be used in violation of the prohibitions contained in this section. The Commission, the Secretary and the Clerk shall, within forty-eight hours, provide a copy of each such affidavit to the treasurer of each committee which is that subject to each request;" and

(2) by redesignating sections (6), (7), (8), (9) and (10) as sections (7), (8), (9), (10) and (11), respectively.

(b) Section 311(b) (2 U.S.C. 438(t)) is amended by adding at the end the following new sentences: "Audits under this subsection shall be conducted in accordance with procedures published by the Commission. Prior to any vote relating to any audit findings, the Commission shall give the political committee involved an opportunity to respond in writing to any information relating to the prospective aduit furnished to the Commission by the general counsel or any other member of the staff of the Commission".

SEC. 10. (a) Section 315 (a)(1)(A) of the Federal Election Campaign Act of 1971 is amended by striking out "$1000" and inserting in lieu thereof "$1000".

(b) Section 315(a)(2) (2 U.S.C. 441(a)(2)) is amended—

(1) in subparagraph (A), by inserting after "(A)" the following: "except as provided in subparagraph (d),";

(2) in subparagraph (B), by striking out "or" after the semicolon:

(3) in subparagraph (C), by striking out the period and inserting in lieu thereof "and"; and

(4) by adding at the end the following new subparagraph:

"(D) in the case of a multicandidate political committee that is a political committee of a political party, to any candidate and his or her authorized political committees with respect to an election of Federal office which, in the aggregate, exceed $15,000.".

(c) Section 315 (2 U.S.C 441a) is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(d) Section 315(b)(1) (2 U.S.C. 441a(b)(1)) is amended—

(1) in subparagraph (A), by striking out "$10,000,000" and inserting in lieu thereof "$18,000,000", and by striking out ", except the" and all that follows through "or $200,000"; and

(2) in subparagraph (B), by striking out "$20,000,000" and inserting in lieu thereof "$30,000,000".

(e)(1) Section 315(d)(1) (2 U.S.C. 441(d)(1) is amended by striking out "paragraphs (2) and (3) of this subsection," and inserting in lieu thereof "paragraph (2) of this subsection.

SECTION-BY-SECTION EXPLANATION

Sec. 1. The title is the Comprehensive Campaign Law Reform Act of 1985.

Sec. 2. This section provides that any reference in this Act to a section or other provision is a reference to a section or provision of the Federal Election Campaign Act of 1971, as amended in 1974, 1976 and 1979.

Sec. 3. Paragraph (a) defines contribution to include donations made to draft committees advocating that a clearly identified individual become a candidate for federal office.

Paragraph (b) exempts from the definition of contribution donations to political committees of political parties which are used solely to defray establishment, administration, and solicitation costs. The donations would not be subject to any limitations, but would be reported on a semi-annual basis.

Paragraph (c), (1) extends to the national committee of a political party the current exemption from the definition of contributions regarding costs for campaign materials such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs.

Paragraph (c)(2) extends to the national committee of a political party the exemption from the definition of contribution the costs of voter registration and get-out-the-vote drives. This provision also expands the class of candidates on whose behalf this activity can be undertaken to include all federal candidates.

Paragraph (d)(e), (f)(1) and (f)(2) are technical amendments to incorporate the above changes in the definition of expenditure.

Sec. 4. This section requires political committees of a political party receiving donations which are used solely to defray establishment, administration, and solicitations costs under Section 3, Paragraph (b) to report those donations on a semi-annual basis.

Sec. 5. This provision creates a private civil cause of action in favor of any person who has been harmed by another person who violates section 438(a)(4). That section prohibits the use of information from FEC reports for solicitation or commercial purposes.

Sec. 6. This provision allows a political committee of a political party to seek the expedited procedure for advisory opinion requests during the 60 day period before an election.

Sec. 7. Paragraph (a)(13) requires the Commission to establish time limits on investigations undertaken by the general counsel.

Paragraph (a)(14) requires the Commission to publish an index of all investigations and to update the index on quarterly basis.

Paragraph (b) requires the Commission, in any internally generated matter, to notify the potential respondent of the alleged violation and permit such person to demonstrate why no action should be taken. The Commission may request further voluntary responses before taking any action. Any finding by the Commission must be accompanied by a written statement of reasons.

Paragraph (c) requires that the Commission make available to a respondent any evidence relied upon by the general counsel in recommending whether the Commission should find probable cause to believe that a violation has occurred. This paragraph also requires that a copy of any brief or report by the general counsel in reply to the respondent's brief shall be provided to the respondent.

Paragraph (d) requires that an opportunity for a hearing be provided to a respondent before the Commission makes any determination regarding probable cause. This paragraph further provides that the Commission may not demand an admission of guilt by the respondent in any conciliation agreement.

Paragraph (e) deletes the authority of the Commission to levy civil penalties for violations other than a knowing and willful violation of the Act.

Sec. 8. This section deletes the requirement of 2 U.S.C. 437(h) that the Court of Appeals sit en banc when hearing cases brought under this provision.

Sec. 9. Paragraph (a) requires that each person requesting copies of reports and statements from the Commission, Clerk or Secretary to sign an affidavit certifying that they will not use the information in violation of the prohibitions. It further requires that copies of the affidavit shall be forwarded within 48 hours to the treasurer of each committee which is the subjects of the request.

Paragraph (b) requires the Commission to conduct audits in accordance with published procedures. Additionally, prior to any vote on any audit finding, the political committee involved is given an opportunity to respond in writing to any information furnished to the Commission.

Sec. 10. Paragraph (a) compensates for the effect of post-1974 inflation by increasing the individual contribution limit from $1,000 per election to $3,000 per election.

Paragraph (b) would increase the party committee contribution from $5,000 per election to $15,000 per election.

Paragraph (c) deletes the state expenditure limitations for a publicly funded candidate for the presidential nomination.

Paragraph (d) increases the base presidential primary expenditure limitation from $10,000,000 to $18,000,000. Additionally, this provision deletes the computations method for the state expenditure limitations. The presidential general election base expenditure limitations is raised from $20,000,000 to $30,000,000.

Paragraph (e) increases the amount of money a national party committee can spend on behalf of their presidential nominee. Additionally, this paragraph eliminates the limitation on the amount a party committee can spend on behalf of their Senate and House candidates.

Paragraph (f) increases the contribution limitation to candidates for the United States Senate from the Republican or Democratic Senatorial Campaign Committee or the national committee of a political party or any combination of such committees from $17,500 to $30,000.

Sec. 11. Paragraph (a) permits membership organizations, cooperatives or corporations without capital stock or their separate segregated funds to solicit the families of their members.

Paragraph (b) eliminates the annual corporate authorization requirements for trade association PAC corporation approval to stand until revoked.

Sec. 12. This section permits political committees of political parties to engage in bona fide commercial transactions in order to defray establishment, administration and solicitations costs.

Sec. 13. Paragraph (a) provides the opportunity for a presidential general election candidate to request a hearing before the Commission if a demand for a repayment of funds is made.

Paragraph (b) changes the availability of party convention funding from July 1 to January 1 of the calendar year preceding the convention.

Paragraph (c) provides the opportunity for a presidential primary candidate receiving public monies to request a hearing before the Commission if a demand for repayment is made.

Sec. 14. The effective date for these amendments shall be December 31, 1986.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

HOW ARMS CONTROL CAN SUCCEED WITHOUT TRUST

Mr. PROXMIRE. Mr. President, make no mistake about it, the future of arms control is in very serious jeopardy. In a previous speech on this issue on the floor of the Senate, I discussed the immense progress that has been made in the technology of verification of arms control treaties. From a technical standpoint, we are in the strongest position this country has even been in, to determine whether or not the Soviet Union is cheating on the arms control treaties we have signed. Certainly technical verification is not perfect. It never will be. It will be a constant struggle to keep the technology of verification advancing as rapidly as the technology of nuclear arms. In an article in the December issue of Science entitled "The Politics of Mistrust," Roger Bingham asserts:

> At no time in the history of arms control negotiations has the verification issue been made the focus of such acrimonious debate within an administration.

There are those in the administration whom Bingham calls evil empire theorists who insist verification must be more stringent. They also argue that this country cannot rely on arms control in many areas because the Soviets will cheat and we will not be able to detect their cheating. Former Ambassador Gerard Smith who negotiated the ABM Treaty sees this view as a convenient and partially convincing alibi for refusing to engage in arms control. For instance, both superpowers have promised in two treaties that they will negotiate an end to nuclear weapons testing. Now Secretary Gorbachev has announced a unilateral cessation of nuclear weapons testing that began last August and will continue until the end of the year. Gorbachev has challenged the United States to negotiate a test ban. Why won't the Reagan administration even enter into such negotiations? As Gerard Smith sees it:

> We want to be free to continue to test. And it's much easier not to say that publicly, but to say that we can't verify.

How much better under these circumstances to enter into the negotiations we promised to enter into. In those negotiations, we could wisely press for the most far-reaching kind of verification. We could call for the stationing of monitoring seismology stations within the Soviet Union as well as within the United States. We could insist on international inspection without notice at the instigation of either superpower to investigate any evidence of violations. If inadequate verification were the problem, we could insist on verification provisions in the treaty that would give us every reasonable basis for determining violations.

Two developments in nuclear weapons especially challenge verification. Mobile and dual purpose missiles are more difficult to monitor. And, second, the smaller the nuclear weapon the easier it is to conceal. Of course, a test ban would help to slow and perhaps to largely stop the progress of nuclear weapons into modes more difficult to verify.

But there is another promising area for improving the prospect of treaty compliance. Michael Krepon of the Carnegie Endowment for International Peace argues that we will have to supplement our technical capabilities more and more with political kinds of cooperation. Krepon calls for distinctive features to aid identification of weapons; designated weapons production facilities and counting rules. Krepon complains that this administration has failed to try these cooperative arrangements. And he observes, "in the medical profession this would be malpractice. It certainly isn't preventive medicine."

Bingham sees all this as a failure of our social, ethical, and political faculties to keep pace with our scientific progress. This Senator thinks Bingham is being far too generous to the Reagan administration. After all as Bingham himself reminds us this administration is the first administration in history to use the inadequacy of verification as an alibi for not negotiating any kind of a meaningful arms control agreement with the Soviet Union. It is also the first administration that has appointed a consistent foe of arms control as the head of the Arms Control and Disarmament Agency. It is finally the first administration to appear to reduce funding for arms control verification. It is reducing funding for verification at the same time it is immensely increasing funding for nuclear weapons. It is simultaneously complaining that we cannot reach arms control agreements with the Soviet Union because verification is not keeping pace with the progress of nuclear weapons. Of course, the supreme irony in this democracy is that every poll shows the people of this country overwhelmingly favor negotiating an end to the arms race in a treaty with the Soviet Union that would mutually stop nuclear weapons testing, production, and deployment.

Mr. President, I ask unanimous consent that the article to which I have referred by Roger Bingham entitled "The Politics of Mistrust" from the December 1985 issue of Science be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICS OF MISTRUST

(By Roger Bingham)

Last fall, I had my first meeting with a Soviet citizen. During an interview in California, we talked about the prospects for a joint mission to Mars, about the Strategic Defense, or Star Wars, Initative and about arms control. I remember thinking that, for an inhabitant of the land President Reagan once characterized as an "evil empire," Academician Roald Sagdeev, director of the Soviet Institute for Cosmic Research in Moscow, seemed remarkably benevolent. A small, unassuming man wearing thick-lensed glasses and a sometimes doleful expression, he brought to mind a stockier version of Woody Allen.

I have thought a great deal recently of Academician Sagdeev and listened again to his taped remarks, delivered in delightfully fractured English, on the subject of a comprehensive test ban. "Any seismologist would tell [you] that it's no more a secret that we have unveiled the laws of propagation of seismic waves," he said. "Not single—even smallest—underground test could be hidden now." As it happens, seismology is not Sagdeev's area of expertise, and his opinion could easily be challenged. Nevertheless, I reflected: Suppose he and I were empowered to sign a ban. Could I trust him?

Because, by extension, this is the dilemma that has faced teams of American and Soviet negotiators as they grapple with the intricacies of arms control, from the promising beginnings of the LImited Test Ban Treaty of 1963 to the still unratified SALT II Agreement of 1979. Sadly, the sobering truth of a nuclear-armed world is that trust is a luxury we are unable to afford; the rules of civil conduct carry less weight than warheads. And whether or not I trust Roald Sagdeev—or Ronald Reagan trusts Mikhail Gorbachev—is, in the final analysis, irrevelant.

Instead, technology has so far stood proxy for trust. Sophisticated information-gathering techniques are designed to keep us honest by alerting us to treaty violations.

As U.S. arms control negotiators face their Soviet counterparts across a table in Geneva, it is essential that they have confidence in our technological capacity to verify whether agreements are being kept. And yet, in a series of unprecedentedly public and wide-ranging charges of Soviet treaty violations, the Reagan administration has voiced doubts about our ability to monitor those agreements.

At first sight, this seems paradoxical: if we detected the violations, then surely the technology is doing its job. Well, maybe. And it is the uncertainty of that answer that has polarized opinion within the arms control community and the U.S. government. At no time in the history of arms control negotiations has the verification issue been made the focus of such acrimonious debate within an administration.

At the risk of oversimplification, the various arguments can be reduced to two broad schools of thought. There are those who feel that technology has been forced into the backseat by ideology and that scientific data have been selectively interpreted to support charges of Soviet wrongdoing. In the process, they charge, arms control negotiations have been obstructed. Call this group the Strategic Stability theorists because of its distaste for brinksmanship in our dealings with the Soviets.

At the other end of the spectrum are those who contend that the Soviets have re-

peatedly failed to honor agreements and should be punished for their transgressions and that verification procedures should be much more stringent. Because of its ideological resonance with the president's "evil empire" speech, call this group the Evil Empire theorists.

Like two teams aiming for the arms control Super Bowl, each group hopes to call the plays at Geneva. And there has been widespread feeling that, in the process, the Evil Empire theorists' game plan has turned verification into a political football.

In both the negotiation of new arms control agreements and in monitoring compliance with existing treaties, verification plays a pivotal role. Its key component, in addition to human intelligence gathering, is a complex array of remote detection devices including airplanes and satellite surveillance, various types of radar, electronic signal collection, and some seismic monitors. This sophisticated sensory apparatus is known collectively as national technical means. Other verification measures requiring bilateral agreements include on-site inspections and in-country seismic monitoring networks.

The SALT I agreement of 1972 sanctioned the use of national technical means in verification of compliance. At the same time, it established the joint U.S.-U.S.S.R. Standing Consultative Commission, which meets in Geneva to resolve compliance issues. Between 1972 and 1980, the commission dealt with 13 such problems—eight raised by the United States, five by the Soviet Union. Both sides, for example, questioned the legality of what seemed to be radars forbidden by the 1972 Antiballistic Missile Treaty. Both sides also challenged each other about their apparent failure to dismantle retired intercontinental ballistic missile launchers. These were serious issues, but resolved, so the record indicates to the satisfaction of both parties.

And clearly, it was the detection capability of national technical means that raised the questions that needed settling by the Standing Consultative Commission. In May 1982, when President Reagan's first Secretary of State, Alexander Haig, assured the Senate Foreign Relations Committee that "the Soviets have not moved outside of the SALT II limits . . ." and "are generally complying with the provisions of existing (SALT I) agreements," the implication seemed to be that the system was working well enough. So what are we to make of the same administration's about-face, its strident accusations of Soviet cheating, and implications that its predecessors were inclined to soft-pedal the seriousness of Soviet violations in the interests of expediency?

Adherents of this point of view see the administration's charges of Soviet cheating as simply long-overdue housecleaning and a warning to the Soviets to shape up. On the other hand, there are those who argue—like Sidney Graybeal, a former member of the Standing Consultative Commission who is not known for holding radical views—that verification has become a shield behind which those not interested in arms control would like to hide."

The key question is this: Are national technical means no longer able to detect Soviet violations with confidence? Or is that claim a diversionary tactic to stall arms control negotiations?

Some clues can be gleaned from the current crop of alleged Soviet violations. In particular, three of the charges are generally acknowledged as raising serious verification and compliance questions.

The first involves a new Soviet radar under construction north of Krasnoyarsk, a city in central Siberia. The Antiballistic Missile Treaty specifically prohibits early warning radars unless they are sited along national borders and oriented outward. Located inland, like Krasnoyarsk, they are assumed to be part of an antiballistic missile defense system, which is illegal. The Soviets insist that the new radar will be used to track objects in space, a purpose allowed by the treaty, and that any resemblance to an antiballistic missile radar is coincidental. U.S. analysts are united in their skepticism. If it looks like a duck and walks like a duck, goes the argument, chances are it'll quack, not bark.

The administration's second charge is that the Soviets are excessively encoding the signals transmitted to and from their missiles during test flights. This telemetry encryption is permitted by SALT II unless it interferes with the other side's ability to check for treaty violations. The Soviets apparently reckon that the U.S. national technical means can find out all it needs despite the encoding—so, they ask, why complain?

Third, the administration contends that the Soviets are illegally testing a new missile, the SS-X-25, in contravention of the SALT II accord. The Soviets argue that it is merely an allowed modification of their old SS-13 intercontinental ballistic missile and suggest with a hint of self-righteousness that the confusion stems from inaccurate U.S. intelligence data.

Whatever the differences, Strategic Stability and Evil Empire theorists would agree on one thing: Soviet behavior, as evidenced by these three examples, is at best unhelpful. For historical and cultural reasons that are legitimate in Soviet eyes though alien to American sensibilities, the Soviets equate security with extreme secrecy. They attach less importance to the spirit of an agreement and appear to feel entitled to stretch the language of treaties virtually to the breaking point.

According to Michael Krepon of the Carnegie Endowment for International Peace, "It's part of their style of operation, and it's one of the reasons why arms control is such an unnatural act. . . . It's very difficult to build a long-term negotiating relationship with them."

Of course, that relationship has not been helped by the administration's charges. Predictably, the indignant Soviets reacted defensively, accusing the U.S. of a series of violations of its own. Many of the tit-for-tat variety and dismissed as unfounded by most U.S. analysts. But Russian charges of U.S. foot-dragging in the ratification of treaties and in responding to Soviet offers to negotiate a comprehensive test ban or an antisatellite weapons treaty are serious issues, if not compliance problems. They have cause for complaint, too, in protesting the invasion of privacy, caused by administration grandstanding, of Standarding Consultative Commission deliberations long held in confidence behind closed doors. And yet these are matters of style and atmosphere, important in the long run, perhaps, but not as immediate or tangible as the real issue dividing the Strategic Stability and Evil Empire theorists: are the Soviets breaking the arms control honor code?

At first sight, it looks as if the answer ought to come naturally from national technical means. You simply examine the evidence and reach a conclusion either the Russians are cheating or they're not. But it isn't so easy. No treaty is perfectly verifiable. Verification is an excise of probabilities and, in the final analysis, in political judgment calls.

So the question becomes: are we able to verify agreements and monitor compliance to such a level that the remaining degree of uncertainly constitutes and acceptable risk? Well, that depends on what you are monitoring and who is deciding what is deciding what is acceptable. Some weapons are more difficult to detect than others. It's relatively easy to spot missile silos; counting individual missiles is tougher. And counting cruise missiles or antisatellite weapons is virtually impossible because of their compactness and mobility.

Drafting treaties to account for these variables often leads to ambiguous language and the birth of a loophole. For example, in SALT II what exactly does it mean to "impede" verification? To make more difficult? To hinder? Or to prevent?

Perhaps most important, your attitude toward the Soviets will color your definition of acceptable risk. Generally speaking. Strategic Stability theorists argue that the task confronting the farmers of an agreement is to anticipate and preclude situations in which a Soviet violation would pose a militarily significant threat. Verification techniques must therefore be sensitive enough to detect potential dangers in time to prepare an appropriate response. Rather than seeking to use every infringement, however minor or ambiguous, as a justification for tearing up a treaty. Strategic Stability theorists perceive an arms control agreement as a living document, subject to continual fine tuning. In general, they would rather have worthwhile though imperfect arms control then none at all.

Evil Empire theorists take the position that, with the best will in the world, you have to assume that Russian officials are inveterate cheats. Any chance they get, they exploit loopholes to seek a military advantage. They have already violated several treaties and gotten away with it; they must be laughing into their samovars. Well, no more Mr. Nice Guy. Existing treaties must be tightened up or torn up and violations punished. New agreements must be couched in such rigidly enforceable language that the slightest deviation from the letter of the law can be detected and rectified. Current verification techniques must be radically improved as a precondition to further negotiation.

"There are always difficult verification questions," argues Carnegie's Krepon. "There are always gaps in coverage. We would always like to know more about the Soviets, but that has not been a bar to previous negotiations [or] agreements. The major differences now are not in Soviet compliance practices; they are in U.S. compliance diplomacy."

A rare inside look at that diplomacy was supplied by Strobe Talbott in his book Deadly Gambits. There he describes how U.S. policy was effectively controlled by two third-level bureaucrats, Assistant Secretary of State Richard Burt and Assistant Secretary of Defense Richard Perle, whose protracted machinations stalled arms control negotiations for most of the Reagan administration's first term. Perle, with better access to the president through the secretary of defense, eventually gained the upper hand and is generally regarded as the principal architect of the Evil Empire theory of arms control. He has said that "at some point one has to ask the question, whether the objective of arms control, which is

greater stability and greater security, is best served by unverifiable arms control agreements or by the classical resort to self-defense." Perle declined to be interviewed or to answer written questions in connection with this article.

As a former Pentagon analyst acknowledged, requesting anonymity, "Reasonable people outside the government could look at some of our activities and say we're demanding so much in terms of verification that the Soviets will never accept it, and we're using this to obstruct arms control. There is some validity to that. Richard Perle is hard-nosed when it comes to the Soviets. He does not trust them, and he wants stiff verification measures. Perle's view is that you shouldn't ignore even small violations. If the Russians are willing to violate treaties where there is no gain, you can almost be certain they will violate—if they can get away with it—in a militarily significant situation."

Unless simply ideological, the Perle position implies that verification technology is inadequate. So how does the evidence stack up in the three alleged Soviet violations cited earlier? On the face of it, national technical means seem to have done well.

The Krasnoyarsk radar, it is generally agreed, is an infraction so devoid of subtlety that it defies belief. Some see it as evidence of Soviet impudence, others as simple ineptitude. U.S. intelligence experts scoff at the notion that it is a space tracking radar as the Soviets contend. The majority opinion holds that it is designed to perform an early warning function but has little capability as an illegal battle-management radar. Predictably, Evil Empire theorists disagree. But the key point is this: national technical means picked up the construction before it could pose a militarily significant threat.

Soviet encryption of telemetry has undeniably increased. An administration analyst calls it "the most dangerous and destabilizing thing that's happened from an arms control perspective. It's seriously impeding verification right now, and it's getting worse." Others note that while it is a prime example of Soviet obduracy, national technical means are nevertheless sophisticated enough to circumvent the problem, and it does not yet pose a strategic risk.

The case of the SS-X-25 prompts a similar conclusion: national technical means may not be able to resolve the issue unambiguously, but they were certainly sensitive enough to raise the alarm.

There is one more alleged violation that did not receive top billing from the administration but has important ramifications. While the Soviets recently garnered considerable publicity by announcing a unilateral moratorium on all underground nuclear testing, it has been alleged that the Soviets have conducted underground nuclear explosions with yields in excess of 150 kilotons, thus breaking the 1974 Threshold Test Ban Treaty, which prohibits underground nuclear testing above this yield. Yields are estimated by comparing seismic signals from Soviet tests with signals generated by U.S. tests in Nevada and making an adjustment to compensate for geological differences. The Soviets argue that U.S. scientists are making the wrong adjustment, leading to overestimates. A series of reports from the Department of Defense Review Panel on Nuclear Test Ban Evaluation, the Air Force Technical Applications Center Seismic Review Panel, Central Intelligence Agency advisory panels, and government contractors concluded that the adjustments should be modified. The clear inference: the Soviets are probably correct, although debate continues.

The implications are far-reaching. The administration opposes ratification of the Threshold Test Ban Treaty, signed by President Nixon, on the grounds that it has been violated by the Soviets—conclusions that the best available evidence fails to justify—and on grounds that it cannoit be verified. Moreover, the administration is arguing that, until its requirements for the Threshold Test Ban Treaty are satisfied, there is no sense entertaining negotiations for the comprehensive test ban called for by the Soviets and supported by many in the U.S.

Former U.S. negotiator Gerard Smith detects another possible motivation for this reluctance: "It's clearly a case of using verification as a rationale for not doing something. We want to be free to continue to test. And it's much easier not to say that publicly, but to say that we can't verify."

If the possibility that the verification issue may have been used to obstruct the arms controls process in recent years is alarming, the prospect of added difficulties is even more serious because of advances in weaponry that are likely to further undermine confidence. The era of relying exclusively on national technical means of verifying agreements may be coming to an end. Mobile and dual-purpose missiles will be much more difficult to monitor; cruise missiles and tiny antisatellite weapons impossible. In the verification business, small is scary.

According to Michael Krepon, "You will have to supplement your technical capabilities more and more with political kinds of cooperation—cooperative measures, in the terms of the trade." Examples include distinctive features to aid identification of weapons; designated weapons production facilities; and "counting rules," a technique for guesstimating the size of nuclear arsenals by extrapolation from remote monitoring of individual missile flight tests.

"One of the saddest things that's transpired over the past four and a half to five years," Krepon reflects, "is that these cooperative arrangements have not been tried. They haven't been proposed by this administration mostly because of internal disagreements. In the medical profession, this would be malpractice. It certainly isn't preventive medicine."

Earlier this year, however, there were some signs of yet another shift in the administration's approach, including the president's decision to continue abiding by the terms of SALT II as well as his effort to meet with Russian leader Gorbachev. There was speculation that the Evil Empire theorists might be in retreat. But as the November summit has drawn closer, the divisions within the administration have once again become apparent. The Soviet offer of a weapons testing moratorium was dismissed as a public relations gambit. The Soviets, in turn, have rejected a U.S. offer to audit a nuclear test in Nevada, and Secretary Gorbachev, apparently intent upon usurping President Reagan as the Great Communicator, has been canvassing a new proposal that includes a reduction of nuclear arsenals by 50 percent. That, too, has split the administration. In fact, both parties appear to be communicating very little more than their abiding fearfulness.

All this serves as an acutely discomforting reminder that what might be called our civic evolution—the development of our social, ethical, and political faculties—lags woefully behind our scientific precocity. Our distant ancestors were walking upright three and a half million years ago; we could now stop that long march of humankind dead in its tracks. It is often said—erroneously—that science got us into this predicament. How ironic, then, that science, in the guise of remote monitoring techniques and the verification apparatus, offered a window of opportunity for getting us out, for beginning to halt the arms race—only to be subverted by an ideological attitude akin to those primate forebears settling their differences with tooth and claw. We still have a long way to go.

HUMAN RIGHTS IN PERU

Mr. PROXMIRE. Mr. President, a contagious wave of hope and confidence is currently spreading across Peru. The people of this country are rallying behind their charismatic 36-year-old President, Alan Garcia, as he embarks on a campaign to end corruption, human rights violations, economic injustice, and drug trafficking. His courageous actions deserve our support.

Mr. Garcia swept into office in July 1985 behind tremendous popular support at the polls. This election was extraordinary in that it was the first democratic transition from one elected government to another in Peru since 1912. The election also came at a time when human rights abuses had been committed in alarming numbers.

The violence first escalated on the eve of President Belaunde's electoral victory in 1980, when the Maoist guerrilla movement the Shining Path initiated terrorist bombings and assassinations. In 1981, the Belaunde government promulgated a sweeping antiterrorist law, which led to the imprisonment of hundreds of suspected Shining Path members and supporters. The Government also began an extensive counter-insurgency campaign against the Maoist group.

In December 1982, Peru's armed forces imposed an emergency zone over nine provinces. The armed forces included the army, the civil guard's special counter insurgency battalion, and the marines, and together they took the law into their own hands. By 1984 the emergency zone had expanded to 13 provinces, and by mid-1985, 28 provinces were under the emergency.

Mr. George Rogers of the Washington Office on Latin America recently testified before the House Subcommittee on Human Rights that since December 1982, Peru has had the worst record of human rights violations in all of South America. Government reports estimate that between 5,000 and 7,000 people have been killed in political violence since that date, most as a result of insurgency and counterinsurgency. Several hundred more have disappeared. Most of the victims have been peasants, students, members of labor organizations, and teachers. In July 1984, the largest clandestine

grave site yet discovered, containing 49 corpses, was found in Pucayacu. Since then, more than 50 different clandestine burial grounds have been discovered in various areas of the emergency zone. Bodies of the victims are generally naked and blindfolded, their hands tied behind their backs. Many of the bodies bore the signs of mutilation and torture.

Despite domestic and international protest against government repression, the armed forces continued to violate human rights inside the emergency zone. President Belaunde was unable to exercise control over these forces.

President Alan Garcia is trying a different response. During his first weeks in office, new evidence of mass killings by the armed forces surfaced. President Garcia immediately ordered investigations. He dismissed some regional military commanders and forced the chairman of the Joint Chiefs of Staff to resign. Several officers are now to face trial for their alleged role in disappearances and mass extrajudicial executions. President Garcia has also established a Peace Commission, which will hear complaints of human rights abuses, conduct investigations, and report to the President and relevant judicial authorities.

The President's reforms have not come without opposition. The military, accustomed to acting independently, is upset by Garcia's attempt to control its role in the struggle against the Shining Path. The military would like the Government to concentrate on fighting economic problems rather than involve itself with the antisubversive struggle.

The economic crisis just may be Garcia's most difficult battle. President Garcia has made plainly clear that he is going to dictate current debt paybacks on his terms. He will not force Peruvians to reduce their already current meager consumptions, which would provoke further malnutrition, suffering and death, in order that the debt be paid. His task now is to muster cooperation with Peru's creditors and reverse the country's economic setbacks.

The United States should support Mr. Garcia as he seeks to bring the armed forces under civilian control and firmly establish democratic institutions in Peru. We can play a major role in bringing stability to Peru by backing him in his fight against human rights violations, economic injustice, and drug trafficking. Now is the time that the United States must support civilian leaders like Mr. Garcia and his counterparts in Uruguay, Argentina, Colombia, and Brazil.

What can be done? We can give public statements of support to these leaders for their attempts to rectify human rights abuses, and we can provide economic rather than military aid to such governments. By offering badly-needed economic aid to governments which act against human rights violators, the United States would uphold its human rights rhetoric with positive action.

Finally, we can give our strong support for ratification of the initiatives of the Alan Garcia's of Latin America, would send a signal to all those battling against the perpetrators of human rights violations.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, my myth of the day is that the Reagan administration's nonadversary approach to workplace safety enforcement resulted in greater voluntary compliance and a decline in worker injury and illness. This is not true. It is a myth.

Recently, the Bureau of Labor Statistics released figures that show that 5.4 million workers suffered work-related injury or illness in 1984. This was an 11.7-percent increase over 1983 and the greatest single year jump since the creation of the Occupational Safety and Health Administration in 1972.

It is now clear that the decline in workplace injury and illness between 1980 and 1983 was a result of the deep recession and not the hands-off approach to safety law enforcement by the administration.

Certainly, the expansion of job opportunities especially among new workers has contributed to the increase in injury rate last year. But this is certainly not the whole story. Several years of weak or nonexistent enforcement of critical safety and health standards has finally taken its toll and the injured and killed workers are the victims of this noncompliance by employers.

I hope that these sad statistics will lead the administration to reevaluate its questionable approach to worker safety.

No longer can there be any justification for the reduction in inspections and citations by OSHA.

I know Secretary of Labor William E. Brock to be a sensitive and sensible and I am certain that his call for a careful reexamination of safety and health efforts will result in the reversal of lax OSHA enforcement. When that happens Americans will somewhat less fearful for their personal safety and health while at work.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m. with statements therein limited to 5 minutes each.

JUDGE ROY L. MORGAN: A TRUE AMERICAN PATRIOT

Mr. HELMS. Mr. President, losing a very special friend saddenss all of us from time to time. That is a part of life. But Roy Morgan's death on October 3 was a sadness for which I was not prepared. Roy was so special in so many ways.

Roy Leonard Morgan had served his country in countless ways. Early in his career he served on the Greensboro, NC, City Council and as a special agent of the FBI. He was a distinguished attorney, a member of the bar in North Carolina, Virginia, and Japan. He began his private practice of law in Greensboro.

But, Mr. President, that was just the beginning. After World War II he was associate prosecutor for the War Criminals International Tribunal in Tokyo. He then served as American advisor to the Prime Minister of Japan. He became Chief Justice for the U.S. Civil Administration Appellate Court for the Far East. He also served as the head of the U.S. trade mission to Japan.

Judge Morgan was 76. At the time of his death he and his dear wife, Woodie—the former Rosamond Woodruff—made their home in Lambsburg, VA. They had homes also in western North Carolina and in Florida. Roy was born in Morgantown, WV. His family includes his wife, one son, a sister and a brother.

Mr. President, Roy Morgan was one of the most delightful men I've ever known. He loved this country and its principles, and he was fearless in standing up for them.

I first met Judge Morgan, quite by accident, in 1972. I remember well the afternoon. We spent a couple of hours together, looking out upon Biscayne Bay. We talked of America's history, and the precious heritage enjoyed by the American people. Roy Morgan was a man whom I instinctively liked, trusted, and admired. We were close friends from that day on.

Mr. President, Dorothy and I extend our deepest sympathy to Woodie Morgan and the family. America has lost a true patriot. We have lost a treasured friend.

ISRAELI ESPIONAGE

Mr. THURMOND. Mr. President, I am deeply concerned by recent events regarding the sale of secret United States military information to certain alleged agents of the Israeli Government.

At a recent Israeli tribute to Congress, I stated that our nations are tied together by rich historical and cultural bonds. On behalf of the Senate, and as President pro tempore, I informed our host, Prime Minister Peres, that I looked forward to continuing the

strong friendship between our nations in the future.

The words of that statement are as true today as they were last month. I have always had a long-standing personal commitment to the Nation of Israel. Accordingly, I was dismayed by these recent reports of apparent espionage involving one of our closest allies.

It is my sincere hope that the leaders of Israel who make national policy decisions had no knowledge of this incident, and I strongly urge the fullest cooperation by the Israeli Government in thoroughly investigating this matter. Only through such a cooperative, thorough investigation will it be possible to ensure that this incident will not be repeated, and that no damage is done to the close relationship our nations enjoy.

The recent public apology and guarantees of cooperation by Israel are encouraging. I am optimistic that men of good judgment, like Prime Minister Peres, will work closely with our Government to expedite this extremely important investigatory process.

FAILED ADMINISTRATION FARM POLICIES

Mr. MELCHER. Mr. President, the farm bill conference, which meets on Thursday, should make agreement on maintaining target prices at the present level the first order of business. The administration opposes that, but commercial banks and the Farm Credit System tell us that target price stability over the coming years is crucial to cash-flow and survival prospects for thousands upon thousands of hard-pressed farmers.

As a second order of business, the conference should mandate a change of course in the export policies of this administration.

Because rural America voted heavily to reelect President Reagan a year ago, it was widely assumed farmers approved of his farm policies. If that were true a year ago, it is surely not true today.

Reagan agricultural policies have been rejected from end to end in the Corn Belt; rejected from Spokane to Wichita in wheat country; rejected from Memphis to Mobile in the land of cotton; and producers of milk, beef, pork, and poultry augment the rising chorus of opposition.

Just after the 1982 midterm elections, Reagan farm policy came up with the notorious Payment in Kind [PIK] Program. Despite my blocking legislative enactment of the program in the Senate, the administration unilaterally implemented PIK in January of 1983. At the time, I told Secretary of Agriculture John Block, who had no goals nor cost estimates for PIK, that I opposed it on principle. I said PIK moved American agriculture in the wrong direction by paying farmers not to produce a crop. Nevertheless, the administration stretched current law and spent $10 to $12 billion in 1983 on PIK. And what did the administration get for this colossal extravegance? Not very much if we measure results in terms of reducing commodity surpluses.

So it was with a certain quirky perspective that the assistant majority leader took the Senate floor in the early hours of November 23 to blame me, of all people, for PIK's failures. My friend from Wyoming, Senator SIMPSON, has a witty—and convenient—way of mixing facts in his extemporaneous remarks. I have to assume, therefore, that his support for the administration's agricultural policy stems from party loyalty, just as I assumed that this was also the case in 1982 when neither he nor any other Republican saw fit to help me derail the PIK Program. Now, however, Senator SIMPSON calls it PIK-pocket, which, he says, enriched "some of the biggest heavy hitters in the United States."

The Los Angeles Times called the assistant majority leader's remarks a "blistering attack" on me. That might be the way the Los Angeles Times sees it, but that is not the way we see it where Senator SIMPSON and I come from, on the slopes of the Rockies where the sky is clear and people talk straight out so you can understand them. When the assistant majority leader said the "spoor on the trail leads north," that term is understood in Webster's or Wyoming as a "sign" or "track."

I would judge now 3 years late, that he wishes to make it clear that he believes the PIK payments were unwise. I hope that is a new "sign" or a new "track" that he will join in bipartisan efforts to chart a new course for American agriculture.

PIK idled more than 70 million acres of cropland in 1983 because the administration wanted to cut down on production. That failed—within a year we had a bigger surplus of wheat than we had before PIK. Now the administration wants to cut down on the number of farmers. What's more, by curtailing agricultural exports to drive down the price of grains, livestock and other commodities, they are succeeding in doing just that.

This year's 50-percent drop in U.S. wheat exports is no accident. It is deliberate administration policy—policy that requires our trading partners to meet various "conditions" before that State Department approves sales to them of U.S. wheat or other commodities. In a dozen or more African and Asian countries, the conditions could not be met. As a result, those countries either bought the commodities from other sources or bought less than normal amounts from the United States.

And so another time has come like 1982, and once again I must object to the administration's foolishness. It was foolish to throw away $10 billion in PIK payments to try to get farmers not to produce and it is equally foolish to handicap the export of U.S. farm products at the same time food imports are driving farm prices down, and forcing farm liquidations.

The 1985 trade deficit is $150 billion and the budget deficit is $200 billion. The administration's policy of blocking agricultural exports and allowing excessive agricultural imports contributes to the trade deficit. It also depresses agricultural prices and this, in turn, increases farm program payments and contributes to the budget deficit.

Neither the Nation nor its producers can afford the administration's agricultural policies.

As the assistant majority leader so candidly stated, the $63 billion spent on farm programs over the past 4 years has not gotten results. How, could they? Reagan trade policies, while draining the treasury, have driven under so many agricultural producers that rural America is staggering.

Let us be clear about this: Farmers and ranchers do not want checks from the Treasury. They want decent markets for their products. They want stable prices. But the administration's trade policies has given them neither.

Those policies must be changed. They must be changed to permit stronger markets, to improve U.S. prices, so that the stranger commodity prices reduce Federal Government farm deficiency payments. These should not be partisan policies. Is it not possible for us to work together to effect these changes?

The farm bill is only a first step. The administration export policies would be partially reversed in the export title of the bill. I believe that title must be strengthened in conference between the House and Senate before the bill is finalized. Times are tough for those on the land. There is not much time left for many of them unless American trade policy is changed and changed now.

A second step toward changing the course of American agriculture can be taken when the Farm Credit System bill is considered this week. That bill would give treasury backing to Farm Credit. That could slow the rate of continuing farm and ranch liquidations and permit agricultural interest rates to ease. Both are needed now.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

51-059 O-87-23 (Pt. 24)

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the unfinished business will not be temporarily laid aside and the Senate will proceed to the consideration of S. 655, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 655) granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary.

AMENDMENT NO. 1168

(Purpose: To amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections and to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes)

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized to offer his PAC amendment, on which there shall be 2 hours of debate to be equally divided and controlled.

Mr. BOREN. Mr. President, I send an amendment to the desk on behalf of myself, Mr. GOLDWATER, Mr. HART, Mr. LEVIN, Mrs. KASSEBAUM, Mr. RUDMAN, Mr. STENNIS, Mr. DECONCINI, Mr. CHILES, and Mr. BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] for himself, Mr. GOLDWATER, Mr. HART, Mr. LEVIN, Mrs. KASSEBAUM, Mr. RUDMAN, Mr. STENNIS, Mr. DECONCINI, Mr. CHILES, and Mr. BINGAMAN proposes an amendment numbered 1168.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. HEINZ. Reserving the right to object, and I probably will not object, could we have a copy of the amendment?

Mr. BOREN. Certainly. I will be happy to furnish one.

The PRESIDING OFFICER. Is there objection to suspending the reading of the amendment?

Mr. BOREN. I renew my request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place inserting the following new section:

SEC. —. (a) Section 315 (a)(1)(a) of the Federal Election Campaign Act of 1971 is amended by striking out "$1,000" and inserting in lieu thereof "$1,500".

(b) Section 315 (a)(2) of the Federal Election Campaign Act of 1971 is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) striking out "$5,000." in subparagraph (A) and inserting in lieu thereof "$3,000;"; and

(3) by adding at the end the following new subaragraphs:

"(D) to any candidate and his authorized political commmittee with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commission to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election) when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committee with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election; or

"(E) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Senator (including any primary election, convention, or caucus relating to such general or special election) which exceed the greater of $175,000 ($200,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election) or the amount equal to $35,000 times the number of Representatives to which the State involved is entitled, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special elections (including any primary election, convention, or caucus relating to such general or special election);

"(ii) a runoff election for the office of Senate which exceed the greater of $25,000 or the amount equal to $12,500 times the number of Representatives to which the State involved is entitled, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election; or

"(iii) a general or special election for the office of Senator (including any primary election, runoff election, convention, or caucus relating to such general or special election) which exceed $750,000 when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election).".

(c) Section 315(a)(8) of he Federal Election Campaign Act of 1971 is amended—

(1) by striking out "person" the second place it appears and inserting in lieu thereof "person and also the intermediary or conduit".

(d) Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended—

"(1) by adding at the end of the paragraph the following subparagraph:

"(A) Notwithstanding any other provision of this Act, each multicandidate political committee which makes an independent expenditure in a federal election in connection with such candidate's campaign, shall not do so in any newspaper, magazine, broadcast or other media advertisement without the following notice placed on, or within such advertisement:

"This message has been authorized and paid for by (name of committee/or any affiliated organization of the committee), (name/title of treasurer and/or president). Its cost of presentation is not subject to any campaign contribution limits."

(e) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting immediately after subsection (a) the following:

"(b)(1) If any licensee permits a person to utilize a broadcasting station to broadcast material which either endorses a legally qualified candidate for any Federal elective office or opposes a legally qualified candidate for that office, such licensee shall, within a reasonable period of time, provide to any legally qualified candidate opposing the candidate endorsed (or to an authorized committee of such legally qualified candidate), or to any legally qualified candidate who was so opposed (or to an authorized committee of such legally qualified candidate), the opportunity to utilize, without charge, the same amount of time on such broadcasting station, during the same period of the day, as was utilized by such person.

"(2) For purposes of this subsection, the term 'person' includes an individual, partnership, committee, association, corporation, or any other organization or group of persons, but such term does not include a legally qualified candidate for any Federal elective office or an authorized committee of any such candidate.".

(f) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by striking "section" and inserting in lieu thereof "subsection".

(g) Section 315(d) of the Communications Act of 1934, as so redesignated by subsection (a) of this section, is amended to read as follows:

"(d) For purposes of this section—

"(1) the term 'authorized committee' means, with respect to any candidate for nomination for election, or election, to any Federal elective office, any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000 and which is authorized by such candidate to accept contri-

butions or make expenditures on behalf of such candidate to further the nomination or election of such candidate;

"(2) the term 'broadcasting station' includes a community antenna television system; and

"(3) the term 'licensee' and 'station licensee' when used with respect to a community antenna system mean the operator of such system.".

(h) Section 301(17) of the Federal Election Campaign Act of 1971 is amended to read as follows:

"(17) The term 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

"(A) For the purposes of this subsection, 'cooperation or consultation with any candidate' with respect to an election cycle means, but is not limited to the following—

"(i) the person making the independent expenditure communicates with, advises, or counsels the candidate at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(ii) the person making the independent expenditure includes as one of its officers, directors, or other employees an individual who communicated with, advised or counseled the candidate at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office; and

"(iii) the person making the independent expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office."

(i) If any provision of this Act or the application of it to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

(j) The amendments made by such sections (a) through (i) of this section shall apply with respect to general, special, and runoff election occurring after December 31, 1986.

Mr. BOREN. Mr. President, we Americans often dispatch groups to observe elections in other countries to make sure that they are honest, free and fair. It is ironic that we continue to ignore a serious problem with our own election system.

In the most recent election, 163 successful candidates for Congress received over half of their campaign contributions from special interest political action committees [PAC's] instead of from individual contributors in their home States. The mushrooming influence of PAC's is beginning to threaten the basic concept of grassroots democracy.

In the past 10 years PAC spending has grown at an explosive rate. In 1974, there were 600 PAC's in existence. Today there are over 4,000. In 1972, PAC's contributed only about $8 million to congressional campaigns. In 1984, they contributed over $104 million. While contributions by PAC's have been growing, the percentage of campaign funding provided by small donations of less than $100 has been cut in half.

It is frightening to consider the impact on the political system and the cost of campaigns if PAC contributions continue to double every 4 years as they are now.

When additional money is pumped into the system, it ends up being spent and campaign costs soar. In just 8 years, the average cost of a winning U.S. Senate campaign has risen from a little over $600,000 to more than $2.9 million, an increase of 385 percent.

In addition, the growth in the influence of PAC's further fragments our Nation and its elected legislative bodies. It makes it increasingly difficult to reach a national consensus and hold our decisionmaking process hostage to the special interests which PAC's represent.

A PAC does not judge a Senator or Congressman on his or her overall record or personal integrity. It does not balance his entire record to see if it serves the national interest. It rates the Member solely on how he voted on bills affecting the particular financial interest group or single issue constituency.

Several of my fellow Senators have joined with me in a bipartisan effort to apply the brakes to the accelerating power of special interest groups. Those of us from both political parties represent a broad political cross-section.

We intend to use every possible parliamentary vehicle to do something to reduce the undue influence of PAC's on the political process.

Our proposal has four main provisions. First, it sets limits on the total amount of PAC funds which congressional candidates may receive. For House Members, it would be $100,000 for an election cycle, or $125,000 if the Member faced both a primary and a general election challenge. For Senate candidates, the maximum amount would range from $175,000 to $750,000 depending upon the size of the State. This formula should approximately cut in half the current amount of PAC spending.

Second, it puts contributions by PAC's and by individuals on a more equal footing. Presently PAC's can contribute $5,000 per election and individuals only $1,000. Our proposal sets the limits at $3,000 for PAC's and $1,500 for individuals.

I might say that this increase in the amount allowed to individuals goes along with a recommendation recently made by a distinguished panel looking at the need for campaign reform.

Third, it closes a loophole in the current election laws under which PAC's can serve as a conduit for individual contributions which they solicit. It is possible for PAC's to receive these individual contributions, bundle them together and send them on to candidates without falling under the $5,000 spending limit.

Fourth, it tightens the definition of what constitutes independent campaign spending. Groups which are independent of a candidate can spend to attack opponents without any spending limits. In fact, they are often staffed by former employees or consultants of a candidate's campaign committee and are not truly operating independently. Under our proposal the media would also be required to provide free response time to candidates who are attacked or opposed in advertisements by these so-called independent groups.

I might say that that is a proposal made earlier by the distinguished Presiding Officer, the Senator from Missouri [Mr. DANFORTH], and the Senator from South Carolina [Mr. HOLLINGS].

No one would pretend that this proposal will solve all of the problems in the current election process. It is, however, an important first step in the right direction.

Former Solicitor General Archibald Cox put it very directly in a recent statement when he said:

> We must decide whether we want government of, by and for the people or government of the PAC's, by the PAC's and for the PAC's.

We cannot expect Members of Congress to act in the national interest when their election campaigns are being financed more and more by special interests.

As I said a moment ago, I am very honored that such a broad cross-section has joined me in bipartisan authorship of this particular proposal. One of the cosponsors of this proposal is unable to be with us today to open the debate as he had hoped because he underwent major surgery over the weekend. I speak of Senator CHILES from Florida, who has been very interested in this proposal. He has been an outspoken advocate of campaign reform.

Another is at the bedside of his wife, who is ill and in the hospital in Arizona, and I speak of Senator BARRY GOLDWATER, who is a principal cosponsor of this legislation. Senator GOLDWATER contacted me by telephone today. He hopes to be here tomorrow to speak for himself, but he asked that I deliver his remarks on the floor of

the Senate because he feels so strongly about the legislative proposal which we are making. I quote now the remarks of Senator BARRY GOLDWATER of Arizona:

Because of circumstances far beyond my control, it is impossible for me to be on the Floor as we begin this historic and important debate on the Boren Amendment today.

I say important because if we continue with the never ending costs of getting people elected to offices, I am afraid this country is in for serious trouble.

Having served twice as Chairman of the Republican Senatorial Campaign Committee, I full well understand the opposition that may come, not only from the Republican occupant of that Chair at the present time, but from his counterpart on the Democratic side.

What disturbs me is the fact that it is becoming more and more obvious—that money can get people elected. When I think back to my first campaign in 1952, where I spent $45,000, and then think of my last one just five years ago, where I put out $1.25 million, there is a vast difference there, not just in the sums of money, but in the campaign itself and what is going on.

We now have experts in the field campaigning in almost every big city in the country. They tell the candidate how to comb his hair, what color shirt to wear, what kind of tie to wear, and what is the best suit for them to wear. They take polls in every nook and cranny of the state or city or country to determine what issues should be discussed on this street corner and the next street corner and, frankly, I do not think that is any way to elect people in this country.

Mr. President, I remember one prominent politician, and I am not going to mention his name, who had a rather unruly head of hair but who appeared on television with hair that was rather scintillating, and later I asked him what happened, and he said, "Oh, we just sprinkled a little gold dust in it." Now that might be all right, but I do not think it is exactly the way to run a campaign.

Also, I recall after one of my campaigns a person asking me for a few of my fat cat names so he could start a fund to promote conservatism. I provided him with a relative few of these names and I understand now his annual intake is over ten million dollars. I will not swear to that, but I have heard from rather dependable sources that this is true.

You know and I know that there is not a night in the week in every month during the year that a member of Congress cannot attend one or two fund raising dinners for a colleague. Every one of us is asked to be sponsors for I do not know how many candidates, all in the interest of raising money.

Now my idea of a candidate running for office is a person who will stand four square with the principles of the Constitution and our way of life, and of party, if he agrees with party positions, but he will stand for something other than the mishmash of everything that comes out of support from hundreds of different PACs and other sources of money in this country.

A man or woman should run with a demonstration of personal regard for the Constitution, regard for the American form of government, for protecting that government from foreign sources and, I might add, from harmful domestic sources, too.

To sum it all up, I think the whole matter has gone far enough, and I urge my colleagues to vote for the Boren Amendment so that before too much time has gone by, which we can all call wasted, or headed down the wrong track, we can bring this thing to a stop.

The answer is not greater spending by political parties or anyone else. The answer is less campaign spending by all sources and PACs are the place to start.

Mr. President, I appreciate these words from Senator GOLDWATER. I hope very much that he is able to be with us tomorrow to deliver additional comments in person.

I think the remarks he has made demonstrate the serious concern that those who have served in the Senate for a number of years and watched the political process for a number of years have about the impact of special-interest funding on the institutions which have served this country so well in the past.

How in the world can we reach a national consensus, how in the world can we expect Congress to deal with broad national problems on the basis of what is good for all America, when our campaigns are being financed more and more by special-interest groups which cannot rate a Senator, cannot rate a Congressman based upon his integrity, his reputation for honesty, how much he sincerely cares about people who elected him and sent him here to serve, but solely on the basis of how that Senator or that Congressman voted on a narrow range of issues that are of interest to that particular group?

How can it be healthy when 163 people who were elected to Congress last year could get more than half of their campaign funds from political action committees without even having to go back to their home States or home districts to ask the people at the grassroots, to support them? How can that in any way mirror the intention of those who set up this constitutional form of Government? How can it help but cast a cloud over this institution? We have heard from commentators all across the country expressing just that thought.

I quote from the Dallas Times Herald editorial of November 23, in which it says:

The power of PAC money threatens increasingly to turn members of Congress into legalized political prostitutes. It drives them to sell to the highest bidders their one most easily and legally saleable product—access. But worst of all, it erodes the public's confidence in the integrity of the congressional system.

The New York Times this morning, in an editorial, eloquently expressed the same thought, and I quote from that editorial:

At 2:25 P.M. tomorrow, Americans should know a lot more about their senators' views on taking money from special interests. That's about the time of the final vote on a bill to limit the flood of campaign contributions by PAC's, the political action committees that have sprung up on behalf of every imaginable interest.

PAC money has poured out like a torrent since 1974, when the House narrowly defeated a bill the Senate had passed, ordaining that the public, rather than special interests, pay for campaigns.

Mr. President, these expressions are illustrative of the kinds of comments that have been coming in from around the country, such as the Globe Times of Bethlehem, PA; the Seattle Post Intelligencer, which says:

Special interests are commanding a steadily increasing role in the democratic process, at both the federal and state levels, through what are known as political action committees, or PACs. The danger is that lawmakers will become less sensitive to the general good and even more responsive to narrow self-interest groups.

The Boston Globe, in an editorial entitled "Congress and Its Tin Cup," makes a comment that is similar.

There are editorials from the Brookings Daily Register, Brookings, SD; the Columbia Record, SC; the Journal, Daytona Beach, FL; Sunday Patriot News, Harrisburg, PA; the Janesville Gazette, Janesville, WI; Kansas City Times, Kansas City, MO; the Ledger, Lakeland, FL; Lansing State Journal, Lansing, MI; Arkansas Gazette, Little Rock, AR; Dominion-Post, Morgantown, WV; the Tennesseean, Nashville, TN; the Berkshire Eagle, Pittsfield, MA; the Northeast Mississippi Daily Journal, Tupelo, MS; News-Sun, Sun City, AZ; Waco Tribune-Herald, Waco, TX.

Mr. President, in order to share these editorials with my colleagues as they ponder this decision tomorrow, I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Dallas Times Herald, Nov. 23, 1985]

LIMIT INFLUENCE OF PAC'S

The members of Congress could go a long way toward bolstering the public's confidence in their august body by imposing overall limits on the money they accept from political action committees, the special interest groups that increasingly are dominating the financing of House and Senate campaigns.

Anyone who believes that a legislator's duty is to represent the general public, and not merely special interests, has to be alarmed by the growing influence of PACs on Capitol Hill. Last year, these committees poured more than $104 million into campaigns—nearly nine times the amount they spent just one decade earlier. House members received roughly 44 percent of their campaign money from PACs, while Senate members got about 20 percent of their funds from such groups.

No one denies that political action committees have a legitimate place in a representative democracy. They have a right to lobby for their particular point of view and to contribute to their favorite candidates. The trouble with PACs is not with their

mere existence but rather with the excess of power that their vastly increasing campaign contributions can buy.

Sen. David Boren has offered what we think is a reasonable way to put the PAC man in his place. Specifically, the Oklahoma Democrat proposes to limit the donations that congressional candidates could accept from political action committees each election. House candidates could receive up to $100,000, while Senate hopefuls would have a PAC-contribution ceiling of from $175,000 to $750,000, depending on the size of their state. (Texas' cap would be $750,000.)

Knowing how difficult it can be to raise campaign money, members of the Senate typically have been reluctant to curb PAC donations. But campaign-finance reformers are hopeful that the Boren proposal will pass when the Senate votes on it the week after Thanksgiving. For the first time in years, a number of conservative senators are joining the chamber's traditional "dogooders" in trying to do something about the grave danger that PAC contributions pose.

Of course, political action committees still could toss around plenty of money even if Sen. Boren's proposal is approved. But the measure at least would diminish their influence somewhat. Common Cause, a public interest lobby, estimates that the legislation would cut PAC donations approximately in half. (House members each received an average of $139,000 from political action committees in the last election, while Senate members received $599,000.)

The power of PAC money threatens increasingly to turn members of Congress into legalized political prostitutes. It drives them to sell to the highest bidders their one most easily and legally saleable product—access. But worst of all, it erodes the public's confidence in the integrity of the congressional system. Sen. Boren's proposal deserves passage.

[From the New York Times]

PUT A LID ON THE LOBBIES

At 2:25 P.M. tomorrow, Americans should know a lot more about their senator's views on taking money from special interests. That's about the time of the final vote on a bill to limit the flood of campaign contributions by PAC's, the political action committees that have sprung up on behalf of every imaginable interest.

PAC money has poured out like a torrent since 1974, when the House narrowly defeated a bill the Senate had passed, ordaining that the public, rather than special interests, pay for campaigns. The vote tomorrow will be the Senate's first since then on controlling the PAC explosion.

This year's bill, offered with wide bipartisan support by Senator David Boren, Oklahoma Democrat, is far more modest than the 1974 proposal, and has its flaws. Yet even people who do not agree on every detail want this bill to pass, and will watch to see what their senators do. To vote for this bill is to demonstrate concern for the integrity of the political process.

The underlying problem here is not political action committees but political campaign costs. They are soaring, given the high cost of campaigns dependent on techniques like television and direct mail. In eight years, the cost of a typical Senate race has gone from $609,000 to $2.9 million. Uneasy observers can rue these increases, but candidates from Congress must somehow meet them.

Guess who's come along to ease the burden? PAC funds have grown along with rising campaign costs. Indeed, they have grown far faster, and politicians rely on them far more heavily. In 1974, House incumbents got 22 percent of their campaign funds from PAC's, according to Common Cause, the public affairs lobby. By 1984, the figure has jumped to 44 percent. PAC's provided one of every five Congressional Campaign dollars last year.

Against that background, probably the most that can be done now is to impose firm limits on private financing. Individual PAC's can now give candidates $5,000 each. The Boren bill would reduce that to $3,000. Candidates can now accept an unlimited amount from all PAC's taken together. The bill would create ceilings, of $100,000 for House candidates and variable amounts for the Senate depending on state population.

Meanwhile, individual contributions would be allowed to count for more by raising the limit from $1,000 to $1,500. That's one point among several to quarrel with. A larger increase to $3,000, say, is in order but there'll be time later for fine-tuning. The question tomorrow is one of principle. The PAC's, with their deep pockets and narrow interests, wield great power in politics. Which senators want to control it?

[Seattle Post-Intelligencer, Nov. 24, 1985]

PAC EXPLOSION POSES DANGERS

Special interests are commanding a steadily increasing role in the democratic process, at both the federal and state levels, through what are known as political action committees, or PACs. The danger is that lawmakers will become less sensitive to the general good and even more responsive to narrow self-interest groups.

The growing influence of PACs in this state has been documented by the state's Public Disclosure Commission, in a report issued last week. Staff member Paul Gillie found that one-third of every political campaign dollar for legislative positions comes from contributions of $250 or more from special-interest groups.

Between 1976 and 1984, Gillie reported, the number of PACs contributing to legislative races increased from 130 to 218 and total spending from $1.86 million per year to $5.2 million.

At the federal level, there is a parallel situation. In 1974, about 600 PACs contributed $12.5 million to congressional campaigns. In 1984, 4,000 PACs pumpted more than $100 million into House and Senate races, according to Common Cause, the public affairs organization which is seeking campaign financing reforms.

The nature of PACs varies widely. They represent such diverse interests as the insurance industry and the steelworkers' union and such organizations as those favoring arms control or opposing abortion.

An unhealthy side effect of the PAC explosion is the rising cost of political campaigns, fueled by competing special-interest groups. The average price of a winning U.S. Senate campaign has increased from $609,000 to $2.9 million in the last eight years.

The Senate is scheduled to vote right after its Thanksgiving recess on a measure sponsored by Sen. David L. Boren, D-Okla. It would place a total limit on the financial contributions any single candidate could receive from PACs.

It's unrealistic to think that any legislative body, many of whose members are beholden to PACs for their elected offices, will vote to eliminate PACs entirely. Thus dollar limits on PAC contributions may be the best, and only, means of controlling their unwarranted degree of influence in public affairs.

[From the Boston Globe, Nov. 26, 1985]

CONGRESS AND ITS TIN CUP

It is a grubby, sad business, Hubert Humphrey used to say. He was not talking about politics, which he loved, but political fundraising, which he hated. Having grown up during the Depression, he thought he was too proud to panhandle.

Since Watergate spawned "reform" legislation, would-be presidents find the grubbiness of fund-raising considerably reduced. Public financing has made presidential campaigns more balanced and more dignified.

Congress, however, shuns public financing and engages in year-round rituals of mendicancy. Anything that brings public financing closer is therefore useful.

A bill sponsored by Sen. David Boren (D-Okla.) to limit PAC money is a step in the right direction.

There is nothing inherently evil in PACs—political action committees—of dentists, dairy farmers or other interest groups. Yet PACs have become so persuasive that they often run campaigns.

When Boren ran for reelection, he was told that 20 fund-raisers run through the PAC mechanism would do the job. (The job is usually easier for oil-state senators.) Instead, he held 254 non-PAC fund-raising events, forcing him to meet real Oklahomans, whom he now knows better and by definition serves better.

Boren's bill limits PAC contributions to $100,000 for each House candidate. For Senate candidates, the limit would be between $175,000 and $750,000, depending on the size of the state.

It is not a perfect bill, but it has a chance. Several conservative leaders in the Senate, including Barry Goldwater of Arizona and John Stennis of Mississippi, support it. "It's not good to have all this money flying around here," Goldwater told The Wall Street Journal.

Campaigns have become so expensive that rattling the tin cup often influences the timing of legislation. "We take a break," Sen. Howell Heflin (D-Ala.) said, "whenever somebody has a fund-raiser."

Sen. Alfonse D'Amato (R-N.Y.) said that fund-raising "is becoming one of the most debilitating parts of being a senator." Yet he is against Boren's bill because he's up for reelection next year. He has raised $5 billion so far, much of it from PACs.

Even though they are funded by citizens with possibly the purest of motives, PACs are a form of addictive dependency. Congress needs to be saved from itself. The Boren bill is a good beginning.

[From Bethlehem (PA) the Globe-Times, Nov. 11, 1985]

LIMIT PAC RECEIPTS NOW OR PUT DEMOCRACY AT RISK

The United States Senate is considering a proposal that would reform the way congressional campaigns are financed. Introduced by Senator David Boren, D-OK, it would, for the first time, establish an overall limit on the total amount of Political Action Committee contributions a congressional candidate could accept. For the future of the democracy, it is important that this legislation be enacted.

In 1974, Congress members introduced a system of public financing for presidential elections, but left the door open for private-interest money to flood their own campaigns. Since then, PAC funding has skyrocketed, and attendant problems have grown steadily worse.

According to Common Cause, a public-interest lobbying group which monitors campaign funding, 608 PACs gave congressional candidates a total of $12.5 million in 1974. By 1984, House and Senate candidates were receiving more than $100 million from 4,000 PACs.

The growing role of PACs has eroded the public's confidence in the electoral process. It is driving out the small contributor and fostering cynicism about democratic forms. It has driven up the cost of campaigns. It has increased the threat of actual or apparent corruption of the political process. It has reduced legislators' ability to reach or respond to a national consensus. And, because it blocks the removal of wasteful subsidies and tax loopholes, it is a prime source of the federal deficit and unfair tax laws.

Without comprehensive reform of campaign financing, the PACs' role—and the threat to democracy that it represents—can only increase. Already, for example, 28 incumbent Senators facing re-election next year have received more than twice the average of PAC funds received during a similar period in 1983 by 29 incumbents seeking re-election. As another example, members of the House Ways and Means and Senate Finance Committees—which have been considering tax reform of special interest to special interests—received $3.7 million from PACs in the first half of 1985. That was three times the PAC funds they received in the first six months of 1983.

Putting a ceiling on PAC receipts strikes at the heart of the evil because it would address both the candidates' increasing dependence on PAC money and the cumulative impact of numerous and multiplying PACs which represent identical special interests. Under the Boren bill, overall PAC limits for Senate candidates would vary according to state population—from $175,000 for Senate candidates in the least populous states to a maximum of $750,000 per candidate in the most populated states. House candidates could accept no more than $100,000 from all PACs in each election cycle.

The Boren bill would also lower the current PAC contribution limit from $5,000 to $3,000 per election; raise the individual contribution limit from $1,000 to $1,500; tighten the definition of independent expenditures; and close some loopholes which allow PACs to evade the contribution limit.

The legislation is supported by a bipartisan coalition spanning the political spectrum—from Barry Goldwater, R-AZ, and Warren Rudman, R-NH, to Gary Hart, D-CO, and Carl Levin, D-MI. We believe it is essential to act quickly to prevent PACs from becoming too embedded in the political system. As Goldwater said in support of the Boren bill, it is time to "cleanse the political process of the taint of excessive campaign spending and the influence of special interests."

[From the Brookings (SD) Daily Register, Nov. 19, 1985]

CUT BACK ON PAC MONIES

We are headed for what could be one of the most expensive political campaign years in South Dakota congressional election history.

Indications are we may well end up with three statewide elected officials (Rep. Tom Daschle, Gov. Bill Janklow and Sen. Jim Abdnor) running for the Senate and we'll have a wide-open race for a seat in the U.S. House of Representatives.

Where will the money come from to pay for those political races?

Too much of it, unfortunately, will come from special interest groups—many of them outside the state of South Dakota.

There is a growing feeling in our country that political action committee money is prostituting the democratic process.

Political action committees, PACs, have grown from 1,000 in 1976 to 4,009 in 1985 and the amount of contributions by PACs to congressional campaigns has multiplied almost five times in the same period.

Conservative Barry Goldwater, R-Ariz., is part of a bi-partisan coalition of senators spanning the political spectrum who feel that some limits need to be put on the amount of money which a candidate can accept from PACs.

PACs, as you may recall, have been the subject of criticism in past political campaigns in South Dakota. Certainly their influence was apparent in 1980 when Jim Abdnor successfully challenged Sen. George McGovern for a Senate seat.

And PAC money was equally apparent in 1982 when Reps. Tom Daschle and Clint Roberts went head-to-head for the lone South Dakota seat in the U.S. House.

The bill to limit the amount of PAC money in campaigns is not intended to bar those kinds of contributions. Its intent is to establish an overall aggregate limit on the amount of PAC money congressional candidates can accept.

Goldwater, in testimony before the Senate Rules Committee on Nov. 5, said, "As far as the public is concerned, it is the PACs and the special interests they represent, and not the people, who set the country's political agenda and control a candidate's position on important issues.

"Many people look on successful candidates as being bought and paid for by whomever gave the most money. The average voter, who cannot make a large campaign gift, feels his or her vote means nothing in deciding public policy."

Sen. David Boren, D-Okla., made this observation in his testimony:

". . . The most startling statistic is that in the last election cycle, 163 members of Congress received over half of their campaign contributions from political action committees.

"Thirty-six percent of the House members received over half of their campaign funds from single-issue PACs. How can we be surprised when it is harder and harder for Congress to act in the public interest when campaigns are more and more financed by special interests?"

Some of the provisions of the bill are:

Limits to $100,000 the amount a House candidate can accept from all political action committees in each election cycle and limits Senate candidates to an amount based on a formula of $35,000 times the number of congressional districts in the candidate's state. The minimum would be $175,000 and the maximum $750,000.

Lowers the current PAC contribution limit from $5,000 to $3,000 and raises the individual limit from $1,000 to $1,500.

Requires PACs to take credit for unauthorized advertising during a campaign.

PACs may deserve some voice in our political process, but they do not deserve a disproportionate one.

This legislation should be approved.

[From the Columbia (SC) Record, Nov. 15, 1985]

TRACKING PAC'S

A bipartisan effort is gearing up in the Senate which would bring about a long overdue reform in the way congressional campaigns are financed.

A proposal by Sen. David Boren, D-Okla., would establish for the first time an overall aggregate limit on the total amount of money a congressional candidate could accept from political action committees.

Some respected heavy hitters from both sides of the aisle are behind the legislation which means that it stands a good chance of survival. But even with the likes of Sens. Barry Goldwater, R-Ariz., Gary Hart, D-Colo., and John Stennis, D-Miss., aboard as co-sponsors, it would be foolhardy to underestimate the clout and cunning of the PAC-masters.

Since 1974, when Congress passed a system of public financing for presidential elections but left the door open for special interest money to flood legislators' own campaigns, the problems with the congressional campaign finance system have grown ever more acute. In 1974, 608 PACs gave candidates for Congress a total of $12.5 million. Last year, those numbers had skyrocketed: House and Senate candidates received over $100 million from 4,000 PACs for the '84 election campaigns. Yes, the time has surely come to cry, "Enough."

Under the Boren proposal, overall PAC limits for Senate candidates would vary according to state population—from $175,000 for Senate candidates in the least populated states to a maximum of $750,000 per Senate candidate in the most populous. Candidates for the House could accept no more than $100,000 from all PACs in each election cycle.

In addition to the aggregate PAC limits, the Boren bill would lower the current PAC contribution from $5,000 to $3,000 per election, raise the individual contribution limit from $1,000 to $1,500, close loopholes which would allow PACs to evade the contribution limit, tighten the definition of independent expenditures and provide an opportunity to respond to candidates who have been targeted by independent expenditure advertisements.

Those who support PACs argue that PACs spur wider participation in the political process by making voters more aware of the issues. Yes, that's true. However, a far more compelling argument is that made by detractors who point out that PACs put candidates in such thrall to special interests as to make them potentially subject to corrupting influences.

The narrow, particular interest of one group—be it organized labor, big business, the National Rifle Association or handgun controllers—must not be permitted to distort and dominate the electoral process at the expense of those candidates seeking a broad mandate.

The time has come to put the national interest ahead of the special interests. That is precisely what the Boren bill proposes to do.

[From the Journal, Nov. 4, 1985, Daytona Beach (FL)]

PUTTING A LID ON PAC'S

Political action committee campaign contributions to congressional candidates have grown during the past decade from a trickle to a torrent. In 1974, records show 608 polit-

ical action committees (PACs) contributed $12 million to House and Senate campaigns. In the 1984 election, 4,000 PACs chipped in more than $100 million.

According to such politically neutral watchdog groups as Common Cause, the hemorrhage of PAC giving is corrupting the political process and undermining public confidence in the independence and integrity of their congressmen.

That view is corroborated by more than a few other close observers of Congress, who say the special interests and their PAC campaign contributions have been major roadblocks this year to cutting the deficit and reforming the tax system. During the first six months of this nonelection year, PACs filled incumbents' campaign war chests to the tune of $3.7 million.

Growing concern about the insidious influence of PACs has led Sen. David Boren, D-Okla., to propose an amendment to the farm bill that would put a lid on the amount of PAC money congressional candidates may accept. The proposal, which is cosponsored by Sen. Barry Goldwater, R-Ariz., would set a $100,000 limit on PAC contributions to House candidates, and create ceilings ranging from $175,000 to $750,000 on PAC contributions to Senate candidates (depending on the size of their states).

A Congress that's responsive to the best interests of both the people and nation it serves will see that the proposal becomes law. It's time to put a lid on PAC contributions and put an end to justified fears that more and more House and Senate seats are "For Sale" to the highest bidders.

[From the Harrisburg (PA) Sunday Patriot News, Nov. 17, 1985]

RUNNING IN PAC'S—CONTROL RUNAWAY ELECTION FINANCING

The influence of campaign contributions from political action committees (PACs) on American politics and government is becoming increasingly apparent and disturbing.

This is particularly true in regard to Congress. A study by Common Cause found that incumbent House candidates received 44 percent of their contributions from PACs in the 1984 election, up from 37 percent in 1982, even while the overall amount of campaign spending declined 5.4 percent. This is one indication that national politics is coming to rely less on contributions from individuals and more on contributions from special interests.

This trend threatens to pervert the system of representative government with its corrosive damage to the public interest in favor of special interests. Nowhere is this more evident than on the issue of tax reform. In the first six months of 1985, the members of the House Ways and Means and Senate Finance committees, which write tax legislation, received $3.7 million in PAC contributions nearly a year and one-half before the next election. That most of this money is intended to influence votes on tax reform is demonstrated by the fact that this is three times as much PAC money as members received in the comparable period in 1983.

Sen. Bob Packwood, R-Oreg., chairman of the finance committee and thus a major player in any tax-reform legislation that reaches President Reagan's desk, was the recipient of nearly $700,000 of PAC money in the first six months of this year. Packwood is up for re-election in 1986. Rep. Sam Gibbons, D-Fla., second-ranking majority member of the House committee, leads his colleagues with more than $150,000 in PAC contributions.

In ten years, from 1974 to 1984, the contributions of PACs to congressional candidates has grown from less than $13 million to more than $100 million. Elizabeth Drew, Washington correspondent of the *The New Yorker* and author of "Politics and Money: The New Road to Corruption," has written that the cost of special-interest campaign contributions shows up "as we go about our daily lives, buying food, gasoline, and medicine, and as we pay our taxes. . .We are paying in the declining quality of politicians and of the legislative product, and in the rising public cynicism."

It can be changed. Sen. David Boren, D-Ok., has introduced a proposal, supported by Sen. Barry Goldwater, R-Ar., among others, which would for the first time limit the amount of PAC money any one candidate could receive. Candidates for the House could accept no more than $100,000 in any one election, while Senate candidates would be restricted to $175,000 in the least populated states to a maximum of $750,000 in the most populous. In addition, the limit on PAC contributions would be lowered from the current $5,000 to $3,000 for each election, while the individual limit on contributions would be raised from $1,000 to $1,500. The bill includes a number of other changes that would plug loopholes in the existing law and address problems raised by primary contests and attacks on candidates through independent exenditures.

Boren's proposal goes a long way toward addressing some of the more obvious abuses in the existing system of campaign funding. It is not a panacea because it does not address the problem posed by candidates who use their personal wealth to, in effect, buy elections. The Supreme Court appears to have put that issue beyond the reach of a legislative remedy, at least for now. Nevertheless, the Boren bill is tough enough that if it had been in effect in 1984 it would have reduced the amount of PAC money going to Senate candidates by half.

"The public knows that something is very wrong," Drew wrote in her book. "As the public cynicism gets deeper, the political system gets worse. Until the problem of money is dealt with, the system will not get better." The Boren bill does something about it.

[From the Janesville (WI) Gazette]

PAC-LIMIT PROPOSAL DESERVES SUPPORT

Financing of congressional election campaigns has become a national disgrace. The role of special interest groups has been felt more and more in each election. The time for real reform is long past due.

A proposal establishing for the first time an overall aggregate limit on the total amount of political action committee (PAC) money a congressional candidate could accept will be offered by Sen. David Boren (D-Okla.)

Common Cause, a strong supporter of curbing PAC influence, reports that Boren's proposal is supported by a bipartisan coalition of senators spanning the political spectrum. Principal sponsors in addition to Boren are: Barry Goldwater, R-Ariz.; Gary Hart, D-Colo.; Nancy Kassebaum, R-Kan.; and Carl Levin, D-Minn.

Since 1974, when Congress passed a system of public financing for presidential elections but left the door open for special interest money to flood their own campaigns, the problems with the congressional campaign finance system have mounted. In 1974, 608 PACs gave congressional candidates a total of $12.5 million. By 1984 that total had skyrocketed: House and Senate candidates received more than $100 million from 4,000 PACs for their 1985 election campaigns.

Other graphic evidence of big PAC bucks: From Jan. 1 through June 30 of this year, the 56 members of the congressional tax-writing committees received $3.7 million from those special interest groups. Common Cause says that's three times more than the $1.1 million that PACs gave these same members during the first six months of 1983.

Senate Majority Leader Robert Dole, R-Kan., has said that PACs make "it much more difficult to legislate. We may reach a point where everybody is buying something with PAC money. We cannot get anything done."

In addition to the aggregate PAC limits, the Boren bill would lower the current PAC contribution limit from $5,000 to $3,000 per election; raise the individual contribution limit from $1,000 to $1,500; close loopholes which allow PACs to evade the contribution limit; tighten the definition of independent expenditures; and provide candidates who have been targeted by independent expenditure advertisements the opportunity to respond.

Major reform of congressional financing methods is way overdue. The Boren bill designed to accomplish just that is sorely needed. The time for action is now.

[From the Kansas City (MO) Times, Nov. 18, 1985]

TIME TO STOP PAC'S

Sen. David Boren of Oklahoma poses a pertinent question as he urges support of his measure to limit political action committee contributions to congressional candidates. "How can we be surprised," he asks, "when it is harder and harder for Congress to act in the public interest when campaigns are more and more financed by special interests?"

Take the escalation of PAC gifts this year to members of the House Ways and Means and Senate Finance committees. These groups, studying tax reform, could make decisions on tax breaks for PAC members amounting to hundreds of millions of dollars.

Common Cause, the public interest lobby reports that 56 members of the two committees received $3.7 million from PACs in the first six months of this year. In the same period of 1983, the total was $1.1 million.

PAC donations to candidates for Congress have soared since 1976, the first time presidential elections were financed with public funds. A total of 608 PACs gave $12.5 million in 1974. Ten years later 4,000 PACs contributed some $100 million.

Inevitably these donations have helped drive campaign costs to staggering heights. The senator notes between 1976 and 1984 average campaign expenditures in a winning Senate race rose 385 percent. In the House the rise was 230 percent.

The implications for our system of government are serious on at least two counts. One is the influence that can be brought to bear by large contributors. The other is the effect on prospective candidates.

Raising huge sums of money for campaigns should not be a requirement for a seeker of public office. Yet it is in light of PAC giving. The alternative to this is limiting the pool of candidates to the very

wealthy. Either way, dangerous restrictions are imposed on congressional candidates.

The Boren measure, whose principal sponsors include Sen. Nancy Kassebaum of Kansas, would limit the aggregate amount of PAC money a candidate could accept. For the House it would be $100,000 for an election cycle. Senate maximums would be based on population, from $175,000 in smaller States to $750,000.

The proposal, offered as an amendment to another bill, is to be debated Dec. 2nd and 3rd, with a vote the latter day. It is an opportunity for the Senate to counter a threat to our political system.

[From the Lakeland (FL) Ledger, Nov. 16, 1985]

THE 30-SECOND CAMPAIGN

Jim Murphy, a Tallahassee political consultant, pulls no punches when teaching potential office seekers the fine art of winning the hearts and minds of the American electorate.

"To present issues to the public is a big mistake. You're not dealing with a highly educated voting public," Murphy told a gathering of would-be politicos in Bradenton recently. He advised they put their money into the kind of meaningless electronic messages designed to make voters feel good or opponents look bad.

That politicians and media consultants have no great regard for voter intelligence comes as no great surprise. Charles Guggenheim, a media consultant, once told a Senate committee:

"Up to 70 percent of what Americans hear and see in a political campaign today comes via 30- and 60-second paid political announcements. In 1984, candidates paid the broadcast industry more than $300 million for the privilege of discussing the issues in 60 seconds or less. Any seasoned media adviser will tell you what he can do best given 30 seconds. Create doubt. Build fear Exploit anxiety. Hit and run. Those commercials are ready-made for innundo and half truth."

Guggenheim's remedy is twofold. First, allow no surrogate spokesman to appear on the tube in place of the actual candidate. "Put the face and voice of the accuser on the screen and you will move in the direction of decency for the American political process overnight," he predicts.

Second, Guggenheim would insist that all paid political announcements on television last at least two minutes—long enough to deal with issues, but intolerably long when the object is merely to dazzle or draw blood.

Guggenheim told of British elections in which paid political broadcasts had to be at least 10 minutes long, in which stations had to provide prime time, in which no commercials were allowed prior to three weeks before the election. "The British system may in some way be too restrictive," he said. "The rules in Britain allow room for substance, give range to criticism, discourage unfairness.

Guggenheim's proposals sound drastic. The First American implications of so restricting political advertising would seem substantial, although Guggenheim shrugs off such objections: "We have already placed arbitrary restrictions on self-expression in this country by allowing the broadcast industry to set ground rules that frequently stifle substance and encourage specious attacks."

But the real flaw in Guggenheim's solution may be that it doesn't attack the deeper cause of America's deteriorating political process. In fact, the slick, 30-second media campaign may be just one symptom of a more serious illness.

In America today, candidates are apt to be bought and paid for long before, and long after, the voters have their say at the ballot box. Remember that $300 million payoff to the networks in 1984 that Guggenheim cited? For the most part it came from special-interest lobbies and political action committees, all of which fully intend to reap a fair return on the investments they make in their candidates.

For proof that politics by PACs can paralyze government look at Congress, whose members pretend to solve a crippling federal deficit by promising to wipe it out—some day.

"The PAC evil lies at the root of many national problems," Archibald Cox, chairman of the citizen interest group Common Cause says. "It is a prime source of the deficit, because it blocks the removal of wasteful subsidies. It is the cause of much unfairness in the tax laws. It threatens to block real tax reform."

A handful of reform-minded senators, including Florida's Sen. Lawton Chiles, have proposed a campaign finance package that, for the first time, would limit the total amount of PAC money a candidate could accept. Called the Boren Amendment, for its sponsor, Sen. David Boren, D-Okla., thepackage would limit House candidates to a $100,000 total on all PAC funds and place limits on Senate candidates that would be determined according to the population of a candidate's state. It would also lower individual PAC contribution limits from $5,000 to $3,000, and place restrictions on the ability of PACs to independently campaign for candidates. And It would force broadcasting stations to give equal time to candidates who have been the subject of negative advertising by their opponents.

Given the congressional paralysis over deficit control and tax reform, passage of the Boren Amendment ought to take precedence over either of those two goals. As long as the special interests can buy and sell federal officeholders at will, the public's interest will always take a back seat to the interests of those who hold the purse strings.

[From the Lansing (MI) State Journal, Nov. 18, 1985]

TOUGHER PAC LIMITS VITAL

Political reformers have been warning for years that Political Action Committees (PACs) must be reigned in on their contributions to members of Congress if we are to restore integrity and public confidence in the election process.

Right now there is growing perception that the Congress is being bought by big-money PAC interests of all kinds. That perception may not be far off if one considers the facts from such groups as Common Cause. The national citizens lobby notes, for example, that in the last national election cycle, 163 members of the U.S. House received over half of their campaign contributions from PACs. It was further noted that 36 percent of the House members in the same period received over half of their contributions from single-issue PACs.

PACs, of course, represent special-interest lobbies designed to persuade members of Congress to vote the right way on issues of importance to them. Under present law the PACs are limited to one $5,000 contribution to each candidate in any one year. But the number of PACs has proliferated at such an enormous rate that the thing has become a gold mine for candidates.

Common Cause notes that this increased flow of cash has also increased the average cost of House elections by 230 percent in the last eight years. PACs also tend to favor incumbents and the candidate without any is battling uphill all the way.

U.S. Sen. David Boren, D-Oklahoma, backed by such prestigious leaders as Sen. Barry Goldwater, R-Ariz., are now pushing a reform bill that merits passage. It would put some tougher controls on PAC operations:

Limiting to $100,000 the aggregate amount any House candidate can receive from all political action committees in one election year. The limit for the Senate would vary with state population with a cap of $750,000 per senator. Additional money would be allowed in the event of runoff elections.

The plan would lower the current PAC contribution per candidate from $5,000 to $3,000 and raise the individual personal contributions from $1,000 to $1,500. The plan also would close some loopholes in the law that have increased the amount candidates can receive.

Boren pointed out that similar reform legislation has been introduced several times during the last few years and Congress has always refused to act. There have been arguments that Congress should wait and hope for better public financing methods in elections or "wait until after the next election."

Boren rightly says that's not acceptable. He said: "The implications of a growing tide of PAC influence is so great today that we must focus our immediate attention on this problem which threatens the integrity of the election process."

He is right. Goldwater, a senior veteran of the Senate and certainly one of its most respected members, had this to say in support of the Boren bill: "As far as the public is concerned, it is the PACs and the special interests they represent, and not the people, who set the country's political agenda and control a candidate's position on important issues.

"To make representative government work the way the framers designed it, election officials must owe their allegiance to the people and not the wealth of groups, who speak only for selfish fringes of the whole community."

That says it all. Boren's bill would take effect at the end of 1986, on time to impact the 1988 elections. The time to act is now.

[From the Little Rock (AR) Gazette, Nov. 14, 1985]

TIME TO TAKE THE CURE ON PAC'S

Congress may be about to look seriously at the way its campaign finance reforms have become corrupted the past dozen years. Two bipartisan efforts are under way to stem the growing role of political action committees in financing congressional campaigns, one by imposing new limits on PAC gifts and the other by offering public financing of Senate campaigns. The Federal Election Commission also is holding hearings on a proposal by Common Cause to tighten the use of "soft money" by political parties in behalf of candidates, which is the most gaping loophole in the campaign finance regulations.

It may be too much to expect members of the Senate and House of Representatives to control PAC contributions in which case they not only would be shrinking the influence of powerful and usually friendly inter-

ests on the Hill but also slighting themselves. Congressmen have become dependent on PAC money, which ordinarily favors incumbents.

Congress is unable to take a cure without a scandalized public. That may be in the making. In our view the scandal has occurred.

The effort to fix tax reform with PAC money ought to shame Congress into acting. Remember David Stockman's description in 1981 of the special interests "feeding" like hogs in the writing of the tax cuts? The tax cuts already had been shaped by campaign contributions the previous year and rewards also were laid up for the tax writers in the next campaign. But the feeding does not compare to the money flowing now to influence tax reform.

In the first six months of this year—and, mind you, this is not an election year—$3.7 million flowed from the PACs to political organizations of members of the two congressional committees that are shaping the tax legislation. Ways and Means in the House and Finance in the Senate. It takes some license to call the product that is emerging "reform." Arkansas' Beryl Anthony, a Ways and Means member who had no opponent in 1984 and is unlikely to have serious opposition in 1986, is deluged in money.

Members of those committees are not alone under the tide of PAC money. Arkansas' own Tommy Robinson, only a freshman, raked in more than $80,000 in the first six months of the year from PACs—even more than the well-placed Mr. Anthony. Mr. Robinson is a special case because he mortgaged the district's seat in his race last year and is having to raise bushels of money to repay gargantuan campaign debts. Robinson is having to beg shamelessly; Anthony's money comes on a conveyor belt.

In 1974, PACs gave $12.5 million to candidates for the House and Senate. Ten years later, 1984, they gave more than $100 million. So far this year, the pace of contributions is more than double that of the comparable period before the 1984 elections. Congress is, in effect, advertising that it is for sale.

A Democratic Party study group has concluded that small political contributors, those donating less than $100 to a candidate, are rapidly disappearing. The result is that it is becoming harder to legislate.

Senators Charles McC. Mathias of Maryland and Paul Simon of Illinois, a Republican and a Democrat, have proposed that Senate campaigns be publicly financed in somewhat the way that presidential campaigns are financed. Party nominees would be eligible for between $500,000 and $5.7 million of public money, depending on the size of the state if they renounced PAC money and did not spend more than $20,000 of their own money.

It may be hard to fashion a public financing system that will fit all the states, and one that does not also cover the House will not address the problem.

A better approach may be offered by a bipartisan group of senators headed by David Boren, the Oklahoma Democrat, and Barry Goldwater, the retiring Arizona Republican. They hope to try to attach it to some bill passing through the Senate.

It would place over-all limits on the amounts candidates for the Senate and Congress can receive from PACs in each race. The amount would be fixed for each House candidate and would vary with Senate candidates depending on the size of the state. The measure also would reduce the current limit on each PAC contribution to a candidate from $5,000 to $3,000 while rasing the limit for individual gifts from $1,000 to $1,500, close some loopholes that allow PACs to evade the limits, restrict expenditures that help a candidate but that are independent of his or her campaign, and guarantee the right of candidates to respond when they have been attacked by the commercial of so-called independent campaigns.

The big flaw of the Boren-Goldwater proposition is that it would not apply until the 1988 campaigns. Congress needs the cure now.

[From the Morgantown (WV) Dominion-Post, Nov. 13, 1985]

LIMITING PAC's

Members and leaders of the two major political parties have been concerned about the amount of money funneled into campaigns by political action committees of one kind or another. The total has grown steadily in the last ten years after campaign fund reform became a major issue in the early 1970s. Now political action committees and their funds have become a major concern.

Sen. David Boren of Oklahoma plans to offer a proposal which, incidentally, is supported by a bi-partisan coalition of senators spanning the political spectrum, to the first available legislative vehicle on the Senate floor.

Archibald Cox, chairman of Common Cause, said of the Boren amendment "it strikes at the heart of the evil because it is the increasing depending upon PAC money and the cumulative impact of numerous PACs representing identical special economic interests that is distorting the political system."

Without decisive congressional action, a Common Cause release noted, the PAC problem will continue to grow. In the first six months of 1985, the 28 incumbent Senators facing re-election in 1986 received an average of $208,194 in PAC funds. This is more than twice the average of $96,528 in PAC funds received during a similar period in 1983 by the 29 incumbent Senators seeking re-election in 1984. A Common Cause study found that 29 Senate candidates in 1984 ended up receiving more than $500,000 each from PACs.

Under the Boren amendment, overall PAC limits for candidates would be figured on a state's population—from $175,000 for Senate candidates in the least populated states to a maximum of $750,000 per Senate candidate in the most populous states. Candidates for the House, according to the proposal, could accept no more than $100,000 for all PACs in each election cycle. If approved, the amendment would go into effect in 1988.

Sen. Boren said at a press conference that he was introducing the legislation, patterned after a bill he offered in 1979, because the time has arrived when it is necessary to place limits on the alarming growth of PACs. He cited statistics showing that in the 1984 elections, 165 members of Congress received half of their contributions from PACs, which have grown in number from 600 in 1974 to 4,009 at the end of 1984, according to the Federal Election Commission. And, the financial activity of PACs rose 10-fold between 1972 and 1982, increasing from $8.5 million to $83.6 million. It's time to place some limits.

[From the Nashville (TN) Tennessean, Nov. 13, 1985]

MAJOR REFORM BADLY NEEDED IN U.S. CAMPAIGN FINANCING

With the rising number of political action committees giving growing amounts of money to congressional candidates, there is high concern that unless something is done, representative government may be severely eroded.

In 1974 the Congress approved a system of public financing for presidential elections which has worked quite well. But it left the door ajar for special interest money to be funneled into members' own campaigns. And what seemed to be fairly harmless at first has now turned into a money monster.

In 1974, about 600 political action committees gave Congress a total of $12.5 million. By 1984 there were an estimated 4,000 PACs who provided more than $100 million for congressional candidates running that year.

According to Common Cause, the self-styled citizens lobby, in the first six months of 1985 the 28 incumbent senators facing re-election next year received an average of $208,194 in PAC funds.

Also, according to Common Cause, political action funds to members of the House Ways and Means and Senate Finance Committees during the first six months of this year amounted to $3.7 million—three times more than the same members received during the first six months of 1983.

The reason is simple. The committees have been considering tax reform legislation and special interest groups anxious to keep their hundreds of millions in tax breaks have been pouring the money in with the obvious intent of influencing the tax legislation that will result.

It will only be after the tax reform legislation is written that citizens will have some idea of how much the political action committees did influence it.

Virtually all members of the House and Senate accept PAC contributions almost routinely since the cost of election campaigns—even for House seats—has skyrocketed. But those same members have similar arguments: that even though they take PAC money, it is not the ultimate or even major influence on their votes.

But if the political action committees didn't think their funds would have some effect on voting, it is certain they wouldn't be doling out large sums of money for purely philanthropic reasons.

Both the Senate majority and minority leaders have expressed their concerns in the past over the role of the PACs in congressional elections. Senate Minority Leader Robert Byrd, D-W.Va., introduced legislation to establish an overall limit. Similar legislation was introduced in the House. But such bills got nowhere.

Now, Sen. David Boren, D-Okla., has proposed an amendment to establish a limit on the total amount a congressional candidate could accept. Under that amendment, overall limits for Senate candidates would vary according to state populations. The cap would be $175,000 for Senate candidates in the least populous states to a maximum of $750,000 in the most populous states.

Candidates for the House could accept no more than $100,000 from all PACs in each election cycle.

The amendment would also adjust the limits of PACs for each election; close some loopholes which permit evasion of contribution limits and tighten the definition of independent expenditures.

Short of public financing of congressional elections, which doesn't appear to be possible anytime soon, the best medicine may well be that of Senator Boren, who would put a cap on the money flow as well as a brake on influence buying. It is needed reform that Congress could and should approve.

[From the Pittsfield (MA) Berkshire Eagle, Nov. 13, 1985]

TAX COMMITTEES FOR SALE

One explanation of why tax reform isn't getting very far in Congress can be found in this statistic: The members of the committees working on tax policy in the House and the Senate received during the first six months of this year $3.7 million in special-interest campaign contributions—more than three times as much as these members received during the first six months of 1983.

The political action committees who dug so deeply into their pockets this year knew very well that Congress would be considering a major overhaul of the tax code. Rather than wait and make their legalized bribes to the lawmakers in the election year of 1986, the PACs obviously decided to let their money speak for them early and loud.

Nor is it just the tax-law committees that have done so well by the PACs this year. Incumbent senators this year are receiving PAC contributions at twice the rate that incumbent senators did two years ago.

This kind of influence-buying is a factor not only in tax legislation but also in the total failure of Congress to do anything constructive about reducing the federal deficit. Many of the same PACs that don't want the lawmakers to deprive them of one tax loophole or another are equally anxious not to lose helpful giveaways in the budget itself. The stalemates on tax reform and the budget deficit are a direct reflection of congressmen's dependence on special-interest money for their campaign expenses.

The logical solution to this problem is to establish for congressional elections the system that has been in place in presidential elections ever since Watergate: public financing of the final election with mixed, public-private financing in primaries. Congress has balked at this, however, for a quite selfish reason: It fears that the availability of public campaign support would neutralize the fundraising edge that incumbents have over challengers.

Short of public financing, one way to mute the impact of special interests is to put a ceiling on the total amount of PAC money that a candidate can receive. A bill that would do this was offered late last month by Senator David Boren, an Oklahoma Democrat. The measure comes with a board, bipartisan base of support, numbering among its co-sponsors in the Senate Republicans Barry Goldwater of Arizona and Warren Rudman of New Hampshire. Democratic backers include Gary Hart of Colorado and John Stennis of Mississippi.

Under the Boren bill, candidates for House seats would be limited to $100,000 in PAC money. In Senate races, the limits would be pegged to state population and would range from $175,000 to $750,000 in the most populated states. According to Common Cause, which supports the legislation, it would have cut total PAC funding for the Senate in 1984 in half. That doesn't solve the problem of special-interest influence entirely, but it does let the public interest get a word in edgewise.

[From the Tupelo (MS) Northeast Mississippi Daily Journal, Nov. 13, 1985]

TRIMMING PAC'S

Does the country need sweeping reform in federal campaign finance laws?

Several of the Senate's most respected and influential members believe that political action committees and their money are eroding the political system.

The diverse, bipartisan coalition of influential senators is seeking to curtail the dangerous, growing financial clout of PACs.

Mississippi's Sen. John Stennis, a conservative Democrat, and Arizona's Sen. Barry Goldwater, a conservative Republican, are among the co-sponsors of a major campaign finance reform bill introduced by Sen. David Boren, an Oklahoma Democrat.

PACs were given a green light by 1974 campaign finance reform laws to flood congressional candidates' coffers with special interest funds.

During the 1984 congressional campaigns about 4,000 PACs gave more than $100 million to House and Senate candidates. The danger in such huge contributions is the influence that could be exerted by special interests or single-issue groups on candidates and members of Congress seeking re-election.

It is hardly coincidence that members of the tax writing committees, in a year of major reform proposals, received $3.7 million from PACs from Jan. 1 to June 30—more than three times the total received in the first six months of 1983.

The Boren amendment would restore reasonable limits to the campaign contributions each candidate could receive from PACs and lower the contributions each PAC could make to individual candidates.

The Senate limits would vary by state population, topping out at $750,000. House candidates would be limited to $100,000. Personal contribution limits would be raised from $1,000 to $1,500.

One of the most important provisions of the Boren legislation would be a required disclaimer from PACs that make unauthorized advertisements for a candidate in a federal election. It would also allow for "equal time" for candidates subjected to negative advertising by an independent committee.

Some candidates and congressmen may object that unlimited PAC contributions are necessary in current political life.

Boren, himself, is an answer to that argument. He refuses to accept PAC money for his political efforts, and is known as an ardent anti-corruption campaigner.

He won re-election to the Senate in 1984 with 76 percent of the vote.

It is time to reduce the influence of almost unlimited campaign money from special interests.

The best traditions and results in American politics have come from the influence of voters interested in issues, not from the influence that money buys.

[From the Sun City (AZ) News-Sun, Nov. 19, 1985]

PAC-LIMIT BILL PROPOSED

The influence of political action committee (PAC) money may be diminished considerably if a bill proposed by Sen. David Boren, D-Okla., is approved by Congress.

The bill would establish for the first time an overall aggregate limit on the total amount of PAC money a congressional candidate could accept.

Principal sponsors include Sens. Boren, Barry Goldwater, R-Ariz., Gary Hart, D-Colo., Nancy Kassebaum, R-Kan., and Carl Levin, D-Mich. Sens. Lawton Chiles, D-Fla., Dennis DeConcini, D-Ariz. Warren Rudman, R-N.H., and John Stennis, D-Miss., also have signed as initial sponsors of the proposal.

In supporting the campaign finance reform bill, Senator Goldwater said: "The bill is directed at the primary threat now facing our system of free elections, and that is the influence and power, both real and perceived, of political action committees with their selfish and narrow vision of what is good for the country. * * * This massive involvement of PACs in federal elections is distorting the entire election process. It is giving elections a bad name, or a worse name than they already have." Many people, Goldwater said, "look on successful candidates as being bought and paid for by whomever gave the most money."

The bill is strongly supported by Common Cause, a people's lobbying group, whose chairman, Archibald Cox, said the ceiling on receipt of PAC contributions "is plainly a constitutional way of preventing the undue influence of money and the appearance of undue influence."

Since 1974, when Congress passed a bill to provide public financing for presidential elections, but neglected to include itself, the problem of PAC contributions has accelerated. In 1974, a total of 608 PACs gave congressional candidates $12.5 million. By 1984, House and Senate candidates received more than $100 million from 4,000 PACs for their election campaigns.

And in the first six months of 1985, the 28 incumbent senators facing re-election in 1986 had already received an average of $208,194 in PAC funds—more than twice the average received during a similar period in 1983 by 29 incumbent senators seeking re-election in 1984. A Common Cause study found that 29 Senate candidates in 1984 ended up receiving more than $500,000 each from PACs.

It is extremely difficult for voters, in the face of those numbers, to believe lawmakers who tell them that PAC money doesn't influence their vote.

The Boren amendment provides that overall PAC limits for Senate candidates would vary according to state population—from $175,000 for candidates in least populated states to a maximum of $750,000 per candidate in most populous states. House candidates could accept no more than $100,000 from all PACs in each election cycle. These limits, if the measure succeeds, would take effect for the 1988 election.

The Boren bill also would lower the current PAC contribution limit from $5,000 to $3,000 per election; raise the individual contribution limit from $1,000 to $1,500; close loopholes which permit PACs to evade the contribution limit; tighten the definition of independent expenditures; and give candidates who have been targeted for negative advertisement through independent expenditure by a PAC the opportunity to respond.

The growing influence of PAC contributions has been deplored by majority and minority leaders of the Senate in the past, and by many other congressmen privately, but Congress as a body has failed to curb the practice. Now, with the pressure that senators have been receiving from their constituents and their own feeling that the growth of PAC influence is distorting our national system of representation, the Boren measure should receive the support it needs to pass.

As Senator Goldwater said: "To make representative government work the way the framers designed it, elected officials must owe their allegiance to the people and not to the wealth of groups who speak only for selfish fringes of the whole community."

We would urge, along with the senator, that Northwest Valley residents make their support of the Boren bill known.

[From the Waco (TX) Tribune-Herald, Nov. 14, 1985]

IT'S TIME TO PUT BRAKES ON PAC'S

The 1988 congressional elections will be back in the hands of the people if legislation is enacted to limit the amount of money that political action committees can contribute to campaigns.

A group of U.S. Senators headed by David Boren of Oklahoma introduced the measure to take the "for sale" sign off of every seat in the Senate and House of Representatives that comes up for a vote.

Members of Congress passed a law in 1974 which permits public financing of presidential elections but left the door open for special interest money to take over their own campaigns. In 1974, 608 PACs gave candidates for Congress $12.5 million. In 1984, House and Senate candidates received more than $100 million from 4,000 PACs.

Candidates' increasing dependence on PAC money is taking over the American political system. PACs are a partial cause of the deficit because they block the removal of wasteful subsidies, tax loopholes and unnecessary expenditures. PACs threaten to block real tax reform.

Members of the House and Senate committees which are rewriting the tax laws have received more than $3.7 million in contributions from PACs so far this year. That is three times the PAC money the same members received in the first six months of 1983.

Boren's bill would regulate PAC contributions to Senate candidates according to population. Candidates from the least populous states could accept no more than $175,000. Candidates in the most populous states could be given up to $750,000 by PACs.

Members of Congress will be unable to vote for the overall good of the nation as long as their campaigns are financed more and more by special interest groups. The small campaign contributor, defined as one donating less than $100 to a candidate, is disappearing from the political scene.

Congress has waited much too long to deal with this issue. The role of PACs in congressional campaigns must be restrained, or the public's confidence in the electoral system will continue to decline.

Mr. BOREN. Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

PAC BUNDLING PROVISION OF THE BOREN BILL

Mr. BOREN. Mr. President, I should like to explain in a little more detail two of the provisions of our bill which are perhaps less known. One is the provision with regard to bundling and the other is a provision in terms of response time of expenditures of political action committees.

The proposed amendment deals with the growing problem of "bundling"—a practice by which a political action committee [PAC] puts together or "bundles" numerous individual checks earmarked for a particular candidate's campaign and provides them to the candidate.

This practice enables the collecting PAC, or national political committee, to effectively evade the contribution limits of the Federal election laws by aggregating these individual contributions a PAC can make available to a candidate amounts far in excess of the current limitations.

As you know, under present law a political committee that contributes to several candidates may give up to $5,000 in a primary and $5,000 in a general election campaign. In the case of political committees representing a political party, the total contribution they may give is $17,500.

Some political committees have begun to evade contribution limits by having their members or contributors make out checks directly to a Federal candidate and then gathering or bundling these checks and serving as a conduit to deliver them to the Federal candidate.

Under present law, any political committee that serves as an "intermediary or conduit" for such bundled contributions is already required to file reports with the Federal Election Commission setting forth the original source and the intended recipient of such contributions. This same information must also be sent by the political committee to the intended recipient and we could look at section 441(a)(8) of the Federal Election Campaign Act which sets forth these requirements. The FEC, however, has interpreted bundled contributions from these political committees as being outside the contribution limits established for political committees, thus creating a major loophole in the limits. The amendment I am offering, which applies to all political committees including political party committees, would close that loophole and restore the integrity of the contributions limits.

For example, early this year one political action committee disclosed in its Federal reports that in addition to contributing $1,000 to a Senate candidate, it had also provided more than $150,000 in bundled contributions to a Senate candidate. This action rendered meaningless the $5,000 contribution limit in the case of this PAC and the Senate candidate.

This amendment would restore the integrity of the contribution limit by providing that bundled contributions, which are already required to be disclosed by the PAC, also have to be treated as contributions from the PAC to the Federal candidate and are thus subject to the limit on the total amount any PAC can contribute.

The amendment I am offering does not in any way change the present definition of who is to be considered an "intermediary or conduit" for purposes of the Federal law. Thus, there are a variety of practices currently used by Federal candidates to raise funds, such as house parties. Any of these practices which are not presently considered to be "intermediary or conduit" activities required to be disclosed under the Federal law would also not be subject to the new antibundling language. On the other hand, those "intermediary or conduit" practices which presently must be disclosed to the FEC—such as the "bundling" activities that Alignpac carried out—would also now clearly be subject to the contribution limits on political committees.

"RESPONSE TIME" PROVISION OF THE BOREN BILL

Mr. President, in addition to limits on PAC's, our proposal, as I mentioned, also includes a "response time" provision which is designed to provide a Federal candidate with free broadcast response time when independent expenditures are made by an individual or group on television or radio with regard to that candidate's campaign. The provision does not apply to expenditures by other Federal candidates or "editorials" made by the broadcasting station.

The "response time" provision is the same as the language contained in S. 1310, the "Clean Campaign Act of 1985" sponsored by Senators DANFORTH, HOLLINGS, the chairman and ranking Democrat of the Commerce Committee, and Senator GOLDWATER, chairman of the Communications Subcommittee. Hearings on this proposal were held by the Senate Commerce Committee in September and October.

As Senator DANFORTH stated upon introduction of S. 1310, response time "attempts to restore some balance to a campaign in which independent ads are aired. This provision will provide candidates with some ability to respond to messages that otherwise might be unanswerable." As Senator HOLLINGS said in his support of response time, "We have all seen how PAC's can seriously damage the balance in a campaign through the expenditure of enormous amounts of money. In effect, a candidate budgets to fight one well-financed opponent but then ends up fighting many."

The "response time" provision builds on an existing communication standard that has been upheld by the Supreme Court. Current Federal Communication Commission regulations already require broadcasters to provide at no cost, "an offer of a reasonable opportunity to respond to an attack [which] is made upon the honesty, character, integrity or like personal qualities of an identified person or group." Response time extends this concept, known as the personal attack rule, to those situations when broadcast expenditures are made by noncan-

didates in support of or in opposition to a Federal candidate.

Response time would assure that candidate could respond to an independent expenditure campaign without major expense and thereby help restore balance to the system which is currently distorted by escalating independent spending. Response time would enable candidates to refute misrepresentations made by independent spenders.

In practice, the response time provision would work as follows: If a station sells time to an independent spender to oppose a Federal candidate, that candidate would be entitled, at no cost, to an equal amount of broadcast time. If the independent spender is endorsing a candidate, other legally qualified candidates for the same office would be entitled, at no cost, to an equal amount of broadcast time.

Response time is constitutionally sound. As noted earlier, it building upon an existing communications regulation—the personal attack rule that has been upheld by the Supreme Court in the Red Lion case.

Under present law broadcaster have no legal obligation to sell time to noncandidates who want to make independent political expenditures. Each broadcaster has an absolute right to sell or to refuse to sell time for independent political expenditures. The response time provision does not change this, but simply says if a broadcaster does decide to sell time for independent political expenditures, the broadcaster must also provide free time to respond to the broadcast.

Current Federal election law requires any individual or group making an independent expenditure to report such expenditures to the FEC and to disclose whether it is being made in support of or opposition to a Federal candidate. Thus, anyone making an independent expenditure is already required to disclose this activity and the candidate it is intended to support or oppose. Since the response time provision applies to all independent expenditures—whether for or against a candidate—it would not be necessary for a broadcaster to decide whether the ad was negative in nature in order to determine if the provision applied.

In summary, response time is narrowly focused remedy to a very serious campaign finance problem—the detrimental impact that expensive independent spending campaign are having on the integrity of the Federal election process.

Mr. President, I think this sets out the major provisions of the legislation which we are offering.

I see my distinguished colleague from Mississippi in the Chamber at this point in time. He has served longer in this body than any other Member. He said to me a few days ago in encouraging me to go forward with this proposal that he thought this vote was a vote of conscience for the Senate.

We all know that incumbents receive far more in terms of PAC dollars than challengers. In fact, incumbents receive about $4.50 for every dollar received by challengers.

If we were to only vote our own self-interest, our own selfish political ambition, vote in a manner aimed at preserving ourselves in office rather than in serving the national interest, in serving the interests of the institution and in breathing life and vitality back into the constitutional process, obviously we would have no hope of passing this amendment.

But it is my hope that the Senator from Mississippi is right, that the Senate will vote its conscience, not its self-interest, on a matter of this importance, that it will vote to require those of us who want to hold office here to go back to our home States and our home district to ask the people for their vote, to ask the people for their political contributions, to ask for their support instead of planning or scheduling one, or two, or three, or four nights here in Washington for receptions that are being given by special interest groups or by lobbyists who in fact have control over how the political action money is contributed.

It is my hope that we will make that vote of conscience and that we will take a very important step toward preserving the integrity of the election process.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HEINZ. Mr. President, I rise in opposition to the amendment offered by the Senator from Oklahoma, and let me say at the outset what I think we are really talking about when we debate this amendment in terms of what we are not talking about.

What we are not talking about is campaign finance reform. We are talking about PAC limitations. We are talking about some other changes. But when it comes to addressing the issue that so many of us are concerned about, which is the time, effort, trouble, and lack of dignity that many of our colleagues and even I myself might feel when it is a question of going out and soliciting campaign contributions, issues that I think nearly all of us agree should in some way be addressed, let me submit that this legislation does not accomplish those goals.

It is not really about the broad issue of campaign finance reform.

But having said that and recognizing that the issue of campaign finance reform is enormously complex, let me state what really troubles me about this amendment, and that is the procedure under which we are operating. It is a procedure of limited debate, of no amendment, which is guaranteed to produce a flawed result.

In this case, let us look at what we are doing or, should I say, what we are not doing.

We are proceeding with no committee consideration. We are proceeding with a total of 4 hours of debate equally divided. We are proceeding with no opportunity for amendment. And we are confronted with legislation that is badly flawed in three fundamental respects.

First, the Boren amendment—and I will speak to this in a minute in more detail—does not achieve the results its sponsors seek.

Second, the Boren amendment, if enacted, would have consequences unintended, I believe, by its sponsors.

And, third, the Boren amendment raises several significant constitutional issues.

Now, during the 4 hours the Senate will spend on the Boren amendment, we will hear from those who support it about the pernicious influence of political action committees on the electoral process.

Now, I am not really here to debate the pros and cons of that point because I do not think that is the underlying point.

The underlying point is whether the Senate should address problems, real or perceived, by passing legislation without the benefit of committee hearings, without the benefit of free and unfettered floor debate, and without the opportunity for amendment. And, to my mind, the point is that no legislative body, particularly not the U.S. Senate, should legislate by spasm.

Mr. President, before proceeding to the specifics of my argument, I ask unanimous consent that an op ed piece written by Michael J. Malbin, which appeared in the November 27, 1985, Washington Post, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 27, 1985]

FIXING UP THE BOREN BILL

(By Michael J. Malbin)

Sen. David Boren's campaign finance bill is expected to come up for debate and a vote during the first week of December. Taken by itself, the Boren bill would cause as many problems as it would solve. But if the Oklahoma Democrat's ideas are joined with some other good ones on tax credits and political parties, Congress just might end up with a politically feasible package that would improve elections in this country.

Boren and his cosponsors believe candidates depend too much on political action committees (PACs) for their campaign contributions. Their solution is to limit how much candidates can accept from all PACs combined. Assuming both a primary and general election, the bill would limit House candidates to $125,000 in PAC receipts and Senate candidates to between $200,000 and

$750,000, depending on the size of their state. The figures are close to the present average for the House, but would prevent further growth. (The bill does not have a cost-of-living escalator.) Senate races would be put on an immediate financial diet.

The bill has an obvious appeal. Almost nobody likes how much some candidates depend on PACs for campaign money. I am skeptical that the bill will reduce dependence as much as the sponsors say, but let us assume that it does. To achieve this result, the Boren bill would leave equally serious problems in its wake. These must be identified before Congress can think about corrections.

Why do I think that the bill will not achieve its stated objective? Because any limit on PACs will stimulate well organized groups to form ad hoc independent expenditure committees in competitive districts or states. The bill tries to address independent spending with a constitutionally dubious provision requiring broadcasters to give free time to attacked candidates. Even if the limit on broadcasters slips by the Supreme Court, however, there is no way Congress can stop groups from spending unlimited amounts on telephoning, mailing or other activities. If this happens, and PACs end up going around the campaigns, the bill paradoxically may end up making elections more dependent on the strategies of large and well-organzied PACs instead of less.

Let us go along with the sponsors, though, and assume the bill would cut the role of PACs. How would the lost money be replaced? The Boren bill would work most heavily against PAC money that comes to a campaign late. But late money—crucial in a close race—cannot possibly be raised in small contributions.

Without late money, underdogs cannot buy advertising for the final push against a front-runner. The underdog cannot hoard money, because the underdog has to work hard to reach the point where late spending might even make a difference. But this bill would dry up the one source of money the law still allows for large, last-minute gifts. About the only people who could raise large amounts late, therefore, would be rich candidates who are willing to open their personal checkbooks.

To top it off, the candidates catching up during a campaign's final days are much more likely to be challengers than incumbents. The bill as it stands, therefore, unintentionally turns out to be a Rich People's Independent Spenders' and Incumbents' Protection Act.

There is a way out of this box. If the main problem is that a PAC limit would dry up needed funds, the solution is to find replacement money. Ordinary public financing would not do the job because matching funds could not supply late money, and because most public financing bills include spending limits that favor incumbents. But two other approaches will work, if they are joined.

The first is to loosen up the limits on political parties. It would clearly be healthier if candidates relied more on parties than on PACs for late money. Unfortuantely, the Republicans have a financial advantage over Democrats now, and Boren has said he would kill his own bill if a party amendment were added to it. I assume he reasons it would be better to help rich candidates and incumbents than give the other party a fund-raising edge.

Instead of threatening to pull the bill, it would be more sensible for Boren to see the Republicans and raise them one. Boren should think about accepting a party amendment if the GOP will adopt one promoted by the House Democratic Study Group: a 100 percent tax credit for individuals who give small contributions to candidates from their own state.

The Democratic Study Group bill would change the mix of contributions more than any other single approach I can imagine. Unfortunately, the odds against ever passive a 100 percent tax credit will go up unless Congress moves quickly. The House Ways and Means Committee removed the existing 50 percent credit in its version of tax reform. Today's broad 50 percent credit does little to stimulate giving and does not deserve to be law. A targeted 100 percent credit is a revenue-neutral replacement for the existing law.

So the Boren bill can be looked at two ways: by itself, or as part of a package. By itself, the bill would limit PAC recepits, decrease the supply of late campaign money and stimulate independent expenditures—a clear formula for trouble. A package could limit PAC receipts, stimulate small givers and make candidates depend more on their parties. That would be a bill worth supporting.

Mr. HEINZ. Mr. President, Mr. Malbin argues that the amendment of the Senator from Oklahoma, standing alone, should be called the Rich People's Independent Spenders' and Incumbents' Protection Act.

Now, having heard a chuckle to my left, I know that the sponsors of this amendment do not intend a result which would justify that title. But, Mr. President, I submit that the legislation before us guarantees that result.

The op ed piece by Mr. Malbin suggests a sensible solution: A package which, among other things, loosens the limits on political party contributions. That makes sense, but we cannot do it here because the Boren amendment cannot be amended. We could do it in committee. We could hammer out a comprehensive campaign finance reform package which corrects the flaws in the Boren amendment. And, indeed, earlier today, Mr. President, I announced the introduction of just such a piece of legislation, the Comprehensive Campaign Reform Act of 1985.

Earlier today, I sent the text and a section-by-section analysis of that legislation to the desk for inclusion in the RECORD. Tomorrow I will introduce it officially. Senators are urged to study that legislation, to cosponsor it if they believe it is a preferable alternative to the Boren amendment, and to seek hearings on it and related issues, including the Boren amendment, in the committee of jurisdiction, the Rules Committee, so that we can proceed expeditiously to the consideration of the problems and issues that we believe we have to confront in our election laws.

But, if we proceed to adopt the Boren amendment, we probably will not have the chance to address all those other issues. Therefore, I am asking my colleagues to give us the chance to address the many issues in election law reform and campaign financing by voting against this amendment or for a motion to table—I imagine the vote will be on a motion to table—and therefore to dispose of, for now, the Boren amendment.

Let me tell you what I think such a motion to table would be about. I do not think it ought necessarily to be viewed as a vote against limiting the role of Political Action Committees. No, I would say, Mr. President, that a vote to table the Boren amendment, if such a motion is made tomorrow, and I suspect it will be, could simply be explained quite correctly as a vote in favor of a sound, deliberative and deliberate legislative process. It is most emphatically not a vote against election law reform. A vote to table the Boren amendment, in my view, would be a vote in favor of the liberties granted us under the first amendment.

Mr. President, I keep coming back to the importance of going through the correct legislative process because I really believe we would be making a serious mistake if we bypassed that normal process, especially excluding committee consideration, in enacting the election law reform legislation. Why is that? All of us serve on committees. We spend hours, almost every day, in hearings on legislation. We spend many hours after that in markup, and there is a good reason. The reason is that that kind of consideration allows us to identify, through informed testimony; to detect, by use of our judgment, without artificial time constraints; and, to correct, using what we have learned and our knowledge of the law, unforeseen flaws in legislation before it comes to the floor of the Senate.

That is the process, in short, which allows us to correct errors in drafting or in conception that lead to unintended consequences. It allows those who have legitimate problems with the bill—in my case I might say those are serious questions about this amendment's constitutionality—and many of its parts and, I might add, its impact on national parties and on the electoral process. We can raise those issues with the committee and then at that time put forward alternatives.

Now, as an aside, Mr. President, I would like to call my colleagues' attention to the fact that, as I mentioned a moment ago, this morning I announced the introduction of comprehensive campaign reform legislation which I think addresses some of the same problems that the sponsors of the Boren amendment seek to address. My bill is substantially the same as legislation introduced in the last Congress by Senators LAXALT and LUGAR.

I make no claim that the bill is entirely original with me, although I

have been a proponent of many of its provisions long before it was introduced in the last Congress. I make no claim that the legislation is perfect. There may be, and there probably are, areas where it can be improved. I look forward to having the Senate Rules Committee examine my bill, together with other campaign reform proposals, so that a package may be fashioned and sent to the Senate floor in the normal manner.

And I look forward to having that same Rules Committee examine Senator Boren's legislation and including part of it, if that is the judgment of the Rules Committee. That way, Mr. President, election law reform can be considered in its own right and the Senate may work its will by accepting or rejecting amendments to whichever package comes out of committee. That is the way we should legislate. That is the way we do legislate. That is the right way to conduct the people's business.

When I began speaking, Mr. President, I said that the Boren amendment suffers from three fundamental flaws. First, it would not achieve its sponsors' goals; second, it would result in unintended consequences; and, third, its constitutional validity is very much in doubt.

I want to turn now to a closer examination of these flaws and examine the consequences of passing the Boren bill as is, with no amendment and with no committee consideration. And I think it is worth taking a few minutes to do that because the question before us is whether to adopt the Boren amendment without amendment and without much discussion.

Now, among the goals sought by the sponsors of this amendment is an effective limitation on the influence of political action committees. The legislation would put a ceiling on the amount of money a candidate for Federal office could receive from political action committees. Once that ceiling is reached, that candidate's campaign may not accept any more PAC money and this, the sponsors argue, will limit the influence of PAC's on our electoral process.

Mr. President, I am not going to argue about why in one State a limitation of $100,000 will guarantee the purity of the electoral process in that State, and how a limitation of $750,000 in another State will guarantee the electoral purity in that State. I do not know how that really is going to work but those kinds of issues maybe we can get into on some other occasion.

Mr. BOREN. Mr. President, will the Senator yield?

Mr. HEINZ. Not at this time.

The effect that I am talking about is the kind of effect whereby putting on a ceiling, whether it is $100,000, $50,000, or $750,000—by having a ceiling, what the Boren amendment actually does is rather intriguing. It is going to set up a race to see which PAC's get their contributions in early. Who does that benefit? I do not think there ought to be much doubt. It is going to benefit the richest, most influential, and best organized PAC's. When the PAC contribution ceiling is reached every other PAC is frozen out. Who does that hurt?

I suspect it is going to hurt small, less well-funded grassroots. Who else benefits?

Mr. President, there is one other group that benefits more than anybody else. They are called incumbents. Believe me, I do not have anything against incumbents. Some of my best friends are incumbents. In fact, I can think of quite a few on both sides of the aisle that I would like to see return here for many years to come.

Mr. BOREN. Will the Senator yield?

Mr. HEINZ. Only very briefly.

Mr. BOREN. Just a brief question: of the PAC money that was contributed last year does the Senator know what percentage of it went to incombents and what percentage of it went to challengers?

Mr. HEINZ. I read the Washington Post the same as the Senator from Oklahoma. I would be happy to put that in the record later. I do not yield further.

But, Mr. President, in spite of the fact that I would like to see many of our colleagues—and I say again colleagues that I would include on both sides of the aisle, not just Republican colleagues—stay here, I simply do not believe that we should change our finance laws to give incumbents an advantage. I do not think the sponsors of this amendment do either. But I do strongly submit, Mr. President, that is exactly what is going to happen if this amendment is enacted.

Let us take a look at another consequence which this legislation would have and which I do not think the sponsors intend, either—namely, to increase independent expenditures. I doubt that my friends who have sponsored this amendment favor an increase in independent expenditures. Indeed, there is a section of the bill that is supposed to clamp down on at least certain kinds of independent expenditures. Yet, I believe that is exactly what will happen if this provision becomes law.

Political action committees which are frozen out of the campaign because of the ceiling on PAC contributions will find other ways to make themselves felt, other ways to contribute, ways over which neither the candidate nor the parties have any control, and more important, in ways which make any sort of effective disclosure impossible.

Does anybody really want that result? Do we really want less campaign funding accountability and disclosure? I know I do not. I do not think the sponsors of the amendment do, either. But that is what we are likely to get if we pass this amendment.

One of the more ludicrous results—and I chose the word ludicrous advisedly—of this legislation comes from a provision which attempts to limit the enormous anticipated increase in independent expenditures caused by the ceiling on PAC contributions. I am referring, Mr. President, to the provision which attempts to restrain independent expenditures by addressing common vendors of professional services.

In essence, the provision says that if a person "making independent expenditure or expenditures retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of Federal office, the expenditure is no longer independent but is affiliated with the campaign effort."

It is clear to me what the sponsors intend to do. They intend to prevent candidates' committees from using political consultants or pollsters also used by independent committees. I can understand that. However, it is not a question of what they intend to do. It is a question of what they actually do. What they actually do is prevent a candidate from using any professional services also used by an independent committee. What does that mean?

Well, that means if the candidate or a member of his committee flies United Air Lines or stays at a Holiday Inn, and someone from the independent committee also flies United or stays at a Holiday Inn, the campaign committee and the independent expenditure committee will be deemed affiliated.

Mr. President, we all ought to agree that it is ridiculous, that it is ludicrous, and that it is not the intent of the sponsors. But there is one problem. That is what will actually happen.

So, Mr. President, that is the sort of flaw which illustrates the need for committee consideration and amendment. And I have argued that this amendment would not achieve its intended ends, and I suggested there are a variety of unintended and unwanted consequences which would result were this amendment adopted.

These problems alone make the need for a more deliberative process obvious in my view. Even more serious though are the constitutional issues raised by the Boren amendment. Placing a ceiling on the amount of money political action committees may contribute to a political campaign, and providing the opportunity for political speech on a first-come, first-served basis is of dubious constitutionality at best. Limiting

access to television by requiring equal time to respond to political endorsements or attacks also raises some serious first amendment issues.

My point is not that either one of those provisions is necessarily unconstitutional, although I happen to think that at least one, possibly two, are.

But, rather, that questions of this nature should compel a more thoughtful approach to this legislation. At the very least, it should be amendable and certainly it should be the subject of committee hearings.

Mr. President, it seems to me that the bottom line is this: The Boren amendment is an important amendment. The Boren amendment deals with fundamental issues important to our democracy. Among those issues are such profound questions as freedom of speech. What we are talking about is the most important process that our Constitution and our democracy sets forth; namely, the process by which a free people, we Americans, choose our Representatives, our Senator, our President.

The Boren amendment, by its terms, is not going to take effect on anybody in 1985 or 1986. It is not effective until after the election cycle. Why, then, if it does not affect 1985 and 1986 are we dealing with it in such a precipitate and preemptory fashion? Why are we dealing with such a seriously flawed bill which raises profound constitutional questions in this fashion?

Why are we considering it as an amendment to a nuclear waste bill, at the end of the session, with no committee consideration, with limited and, therefore, little floor debate, and with no opportunity for amendment?

I suggest to my colleagues that it would make more sense to use our time wisely in examining the important issues of campaign finance fully, election law reform fully, with appropriate committee hearings and, above all, in a manner which allows for amendment.

We are all proud, Mr. President, to be Members of the U.S. Senate. We really are the world's greatest deliberative body. I suggested to my colleagues that we should not consider in this perfunctory manner issues which touch on our most cherished right as a people, the right to which all our other freedoms and rights flow; namely, the right and means by which we choose the people who will govern us.

Mr. President, I hope that my colleagues will join in putting aside in some way, shape, or form the Boren amendment.

Mr. President, I ask for the yeas and nays on the Boren amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEINZ. I thank the Chair.

● Mr. PACKWOOD. Mr. President, I would like to address a subject that concerns each and every Member of this distinguished body—campaign advertising.

My distinguished colleague from Oklahoma has introduced an amendment regulating independent political expenditures which, among other things, requires broadcasters to provide free time to any Federal candidate when an independent advertisement either opposes that candidate or endorses an opposing candidate. It is my sincere belief that this provision violates both the spirit and intent of the first amendment, and therefore, I must oppose the proposal.

The first amendment says "Congress shall make no law * * * abridging the freedom of speech, or of the press." There are certain basic notions at the core of the first amendment concerning the manner in which political debate in a democracy should proceed. If the Founders intended to protect any speech when they wrote the first amendment, it was political speech. Clearly, the free exchange of ideas is essential to the process of selecting the men and women who will represent the public. Our best protection against a subversion of the free marketplace of ideas is to keep it as open as possible. That may mean that some of us may have to suffer the slings and arrows of so-called negative campaign advertising. But the alternative to that is a closed system which inhibits the give and take traditional in our political process.

In Mills versus Alabama, the Supreme Court said:

> Whatever differences may exist about interpretations of the First Amendment there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs. This * * * includes discussion of candidates, structures and forms of government, the manner in which government is operated or should be operated, and all such matters relating to political processes.

To statutorily grant free broadcast time for candidates to respond to public criticism would take us back to the days when Colonial America was subject to the rule of seditious libel. Under that law, the King, as the originator of justice, was above all criticism. Truth was not a valid defense because likely as not "the greater the truth, the greater the libel" against the King and his government. In like fashion, the amendment put forth by my colleague from Oklahoma serves to insulate candidates, especially incumbents with established voting records, from the truth.

If an independent group wants to air a truthful advertisement discussing a candidate's record on important public issues, this amendment would effectively lessen the likelihood of that group's statement being put on the air because of the requirement for free time to the candidate opposed. Broadcasters are unlikely to accept independent campaign advertisements that would trigger the free response time because of legal, logistical and financial considerations. Therefore, this amendment would have an unconstitutional chilling effect on the first amendment rights of independent groups and the public as a whole. The practical effect of the proposed amendment would be the silencing of a specific form of expression—noncandidate sponsored advertisements. The constitutionality of this expression was recognized by the Supreme Court in Buckley versus Valeo, wherein the Court said:

> Advocacy of the election or defeat of candidates for federal office is no less entitled to protection under the First Amendment than the discussion of political policy generally or advocacy of the passage or defeat of legislation * * *. [T]he constitutional guarantee [of free speech] has its fullest and most urgent application precisely to the conduct of campaigns for political office.

Furthermore, in the rare cases where such response time would occur, the candidate's response is not limited by this amendment to the issues originally raised. Thus, the free response time gives the candidate a carte blanche opportunity to raise separate issues or indulge in image building at the expense of those who raised serious issues.

John Stuart Mill recognized the value of political expression early on. He said "if any opinion is compelled to silence, that opinion for aught we can certainly know, be true."

We must not lose sight of the paramount importance of free speech in our pluralistic system. A central value of free speech lies in its ability to act as a check upon the abuses of government and public officials. History demonstrates that the natural inclination of government is to move toward suppression of criticism. My most basic concern is for the rights and liberties of the people of this Nation. I believe that once we give the government the power to limit freedom of speech, we have taken the first step on the path toward tyranny.

I want to remind my colleagues that we serve at the will of the people, and we should not underestimate their ability to see malicious advertising for what it is. Political campaigns form a large part of our democratic heritage. And so-called negative comments and attacks have been part of every Presidential campaign. President Washington was accused of conspiring to establish a monarchy. In the campaign of 1796 between John Adams and Thomas Jefferson, Adams was accused of being pro-British by some and pro-French by others. Adams was also labeled as vain, jealous and hot-tempered. Jefferson was called a coward

and a drunkard. And much like Senator Joe McCarthy's accusations of Communists in the State Department in the campaign of 1952, Jefferson was said to have controlled a State Department infested with subversive Jacobins.

Voters carefully examine such rhetoric and understand that political accusations made in the heat of battle need to be sifted carefully before they are accepted as truth. Our democracy continues to survive the most egregious campaign advertisements, and emerges even stronger.

So in the end, who benefits if we decide to ignore the strictures of the first amendment and adopt the amendment of the Senator from Oklahoma? Not the public, because the flow of campaign information would be stifled. Not independent groups and individual citizens, because their messages would be silenced. The only possible beneficiaries of this legislation are the incumbent political candidates themselves who would be effectively insulated from the vigors of a free and open political arena. Regardless of the fact that I would be among this class of beneficiaries, I respectfully urge my colleagues, in the name of the first amendment and all that it stands for, to vote against the proposed legislation.●

Mr. HEINZ. Mr. President, I see no other opponents of the amendment on the floor. I ask how much time remains to those on our side.

The PRESIDING OFFICER. Twenty-three minutes.

Mr. HEINZ. Mr. President, I reserve the remainder of my time.

Mr. BOREN. Mr. President, how much time remains to those in support of the amendment?

The PRESIDING OFFICER. Thirty-five minutes.

Mr. BOREN. Mr. President, I yield myself 4 minutes.

Mr. President, I am sorry that my colleague from Pennsylvania has been so alarmed by the precipitous way in which we have been dealing with the subject of campaign reform in the Senate. It reminds me a little bit of Rip Van Winkle. I wonder if my good colleague from Pennsylvania has just awakened from a long nap and thought that this was the first time that the Senate had ever discovered this matter.

You know, it has been pending here now for 11 years, since the FECA was passed and amended in 1974. We tried to deal with it in 1977, S. 926. After three cloture votes we failed to break a filibuster and the Senate finally scrapped efforts to deal with the subject of campaign reform.

Then, of course, we had the Obey-Railsback amendment, H.R. 4970 in 1979, the campaign contributions reform bill brought to the Senate after it passed the House but a threatened filibuster by opponents blocked its consideration by the Senate.

In 1981, S. 9 was introduced by Senator BYRD, similar to the Obey bill that had been in previous Congresses and it was before us.

In 1983, H.R. 2490 and H.R. 4428 were introduced on the House side and I introduced the companion bill, S. 1443.

Then earlier this year I introduced S. 297.

We have been struggling now for 11 years to bring this matter before the Senate and get a vote. We have had two filibusters that prevented it.

On November 5, I appeared before the Rules Committee and testified for approximately an hour, answering questions from members of the committee and subjecting myself to cross-examination of this very proposal.

We have heard that the Danforth-Hollings proposal dealing with that section of the bill has been considered in hearings before the Commerce Committee.

Yet we are asked by the Senator from Pennsylvania, why are we rushing pell-mell in the consideration of campaign reform?

Well, I would say that if the Constitutional Convention had proceeded with deliberate speed, the same degree of speed that we are dealing with campaign reform here on the floor of the Senate, they would still be attempting to write the Constitution of the United States to this good day.

I thought it was an interesting word that the Senator from Pennsylvania used. He said you can explain your vote to table this amendment. He calls it the Boren amendment. I wish he would call it the Boren-Goldwater-Hart - Levin - Kassebaum - Rudman - Stennis - DeConcini - Chiles - Bingaman amendment, showing its support on both sides of the aisle. He said, "You can explain your vote against it." Of course, you can always explain it. Have you ever been unable to explain anything on the floor of the Senate on a procedural basis?

"We need more hearings, more meetings." I suppose 11 more years of consideration and if we consider it for 11 more years, there will be those on the floor of the Senate who will ask, Why are you dealing with it now? It does not apply to the 1988 election cycle. Why not wait until after this next election before we do anything about it?"

Then they will say, "Why not wait until the election after that?"

If you wait until 1987 to do something about it, people will say, "We are already raising our money for the 1988 election. You cannot change the rules in midstream."

When we get to January 1989, they will be raising their money for the 1990 election. "We cannot possibly do anything about it now. Let us wait until after the next election."

In 1982 there were 98 Members of Congress elected who received more than half of their campaign election money from PAC's.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOREN. I yield myself an additional 4 minutes.

Then we said, "Let us wait until after the next election." Now, it is 163. How long will we wait? Will we wait like the drug addict, until every single one of the House and Senate are hooked on special interest money and all of us are getting more than half of our money from interests controlled by lobbyists here in Washington? We will not need an expense allowance any more for airline tickets back to our home State. Why go back there? We will not depend on them to finance our elections. Schedule another week of fundraisers here in Washington where the special interests can finance our campaigns.

Yes, it is precipitous. Eleven years of inaction on a subject of vital importance to the integrity of the election process and we are told that we should wait until after the next election so that we can have more Members hooked on special money before we take action.

I hope that it has not caused my colleague from Pennsylvania to lose too much sleep. I am delighted he has introduced a campaign reform act of his own. I sent for a copy of the section-by-section analysis, which is apparently to be offered tomorrow. I am anxious to read it. I presume it will do something about limiting political action committees and not just allowing more contributions from campaign committees from the parties where we have a 7- or 8-to-1 imbalance.

This is a plot, all right. It is a plot. When I first introduced it there were some on the Democratic side who came to me and said, "Why do you join with the Republicans in a plot against our party?"

The next thing I heard, and I see the Senator from Kansas on the floor, she and others were asked about why she joined in a plot against the Republican Party, those supporting the bill on that side of the aisle.

It is a plot. It is a scheme, this amendment, a scheme to let the people at the grassroots have some say in the election process again. It is a scheme to make us dependent on the people back in our home States and districts to get our campaign money and to make us go back and ask for their support. It is that kind of scheme.

It is a plot to give the people more say in their Government again rather than special interests.

What about the inability to amend this amendment? If this amendment is adopted, there is nothing that says it cannot be improved.

This amendment—if it is adopted by the Senate, if it is not tabled, if consideration of it is not prematurely cut off—is open to amendment. The Senator from Pennsylvania can offer 100 amendments to it. I hope he will not take me up on that, but if he sees that many ways to improve it, he can offer amendments. But he should not be alarmed. He can sleep well tonight. I do not want him to sleep another 11 years, but he can sleep well tonight, knowing he is going to have an opportunity to amend it, to improve it, if he wants the opportunity.

Mr. President, I ask unanimous consent to put this history—since the Senator from Pennsylvania has been unaware of what is going on in the last 11 years, I have an item-by-item history of all amendments. I ask unanimous consent to have this chronology of what has gone on with the campaign reform attempts printed in the RECORD at this point.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

CAMPAIGN FINANCE CHRONOLOGY

1971—Federal Election Campaign Act (FECA). The FECA required comprehensive disclosure of contributions and expenditures by all candidates for federal office.

1974—FECA Amended. The 1974 amendments established a system of full public financing in presidential general election campaigns and a matching system in the primaries. The legislation also included spending limits for House and Senate candidates and limitations on independent expenditures. Individuals were limited to contributing $1,000 per election to a candidate; PACs were limited to contributing $5,000 per election. In addition, the amendments created the Federal Election Commission and repealed the ban on the formation of PACs by government contractors. Congress refused, however, to adopt a public financing system for its own campaigns.

1976—Buckley v. Valeo. The Supreme Court upheld public financing for presidential elections and the limits on individual and PAC contributions. Struck down by the Court were overall spending limits on congressional campaigns in the absence of public financing and the limits on independent expenditures.

1977—S. 926. S. 926 revived the issue of public financing of congressional campaigns in the Senate. Similar to presidential public financing, S. 926 would have set up a public financing system for senatorial races whereby small individual contributions would be matched by public money from the dollar tax check-off fund. The bill would have placed limits on overall spending based on state population and limited the use of personal funds for candidates accepting public money. After three cloture votes failed to break the Republican-led filibuster, efforts for public financing in the Senate were scrapped.

1979—FECA Amended. The FECA was amended by adjusting reporting requirements and expanding the role of political parties in presidential elections.

1979—H.R. 4970 Campaign Contribution Reform Bill (Obey-Railsback). This bill would have placed an overall limit of $70,000 on the amount a House candidate could accept from all PACs and reduced the amount that one PAC could contribute to a House candidate from $10,000 to $6,000 in primary and general elections combined. The House passed the bill on October 17, 1979 by a vote of 217-198, but a threatened filibuster by opponents blocked its consideration in the Senate.

1981—S. 9 by Senator Byrd—similar bill to Obey bill in the previous Congress.

1983—H.R. 2490 The Clean Campaign Act (Obey-Leach). This bill placed an overall limit of $90,000 on the amount a House candidate could accept from PACs. Matching public money from the dollar tax check-off fund—for up to $100 of contributions from individuals—would be available to candidates who agree to an overall spending limit. Free broadcast time or additional public funds would be made available to candidates to respond to independent expenditure campaigns of more than $5,000. At the end of the 98th Congress H.R. 2490 had 130 cosponsors.

1983—H.R. 4428 (Obey-Leach-Synar-Frost-Glickman). Using a new approach based on tax credits, this bill created a new campaign finance system for House races, providing a 100 percent tax credit for contributors to candidates who agree to abide in the general election to an overall spending limit and a limit on the use of personal wealth. To qualify, a candidate must agree to general election expenditure limits of $240,000 and limits on the expenditure of personal wealth of $20,000, and would have to raise a $10,000 qualifying threshold in small contributions. In addition, H.R. 4428 would create for all House candidates a new overall limit of $90,000 on the total PAC contributions a candidate could accept over the course of a two-year election cycle. Free broadcast time or reduced mailing rates would be made available to candidates to respond to independent expenditures. At the end of the 98th Congress, 150 Members had cosponsored H.R. 4428.

1983—S. 1443 (Boren bill similar to Obey, H.R. 4428).

1985—S. 297 (Boren bill similar to bill from previous Congress).

1985—S. 1806—(Boren revised bill of S. 297 with Goldwater, Hart, Levin, Kassebaum, Stennis, Rudman, DeConcini, Chiles, and Bingaman).

Mr. BOREN. Mr. President, the Senator from Kansas has come on the floor. At this point, I yield 5 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I thank my colleague. I very much appreciate the leadership of the Senator from Oklahoma [Mr. BOREN] in what is a very valiant effort to address an issue of concern, I believe, to all of us in the Senate. That is the question of campaign spending. The Presiding Officer, the Senator from Missouri [Mr. DANFORTH], has been one of those trying to address campaign spending reform.

One of the ongoing changes in our political life that I find very disturbing is the inordinate and, I think, increasing importance of money. What concerns me the most is that the steady increase in the amount of money spent in political campaigns has been accompanied by a steady decline in the quality of our public dialog. I suspect that there is a connection between those two trends.

I am grateful that we have the opportunity to discuss the issue today and tomorrow on the Senate floor. I think it is a very important one for us. As the Senator from Oklahoma points out, it has been around for some time and tends to get lost in the press of other business.

Our debate can provide the American people some insight into the complex issues involved in campaign financing and political speech. Our debate can also start to convince voters that their voice and their contributions are not only important, but are weighted equally with other special interests.

My colleague from Oklahoma does not proclaim his amendment as the complete answer to our campaign woes. I doubt such a comprehensive answer is possible. What this amendment does do is show that the U.S. Senate is serious about changing election financing.

A quick review of campaign expenditure figures underscores the dominant role of money in political viability. Between 1976 and 1984, the average cost of winning a seat in the House of Representatives rose by 230 percent. For a Senate seat, the average cost to a successful candidate rose by 385 percent—from $609,100 to over $2.9 million. In 1984, the 65 candidates for the U.S. Senate spent almost $137 million. We now know that a House seat can cost over $1 million and a Senate seat can cost over $20 million.

The pressure to raise and spend money has many sources. It is undeniable, though, that the proliferation of political action committees [PAC's] has added immeasurably to that pressure. The enormous increase in the number of registered PAC's, from 1,000 in 1976 to over 4,000 today, has meant more money available and more demands on each Member's time. This growth has not gone unnoticed, nor must it go unchecked.

Let me say this legislation is not just at attack on PAC's. I believe they have a legitimate role to play. We who serve in the Congress must share in the blame—and must show resolve in controlling the situation.

While spending large amounts of money for an election may not be a bad thing, the way we spend the money can be very debilitating in a society that depends on shaping consensus from a diverse people with diverse and often competing needs. By playing to the demands of our mass media, we overload the demands of democracy and undermine our ability both to govern and to be governed.

Mr. President, I feel this is one of the most important issues we can be debating right now, because I think we have found in recent months and over the past several years an increasing demand on our time, when we have to find a window that allows all of us to leave the Senate floor so we can attend one reception or another. That, Mr. President, I do not think is a good example of legislating or of attending to the needs of the people of this country.

I yield back whatever time may remain.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Mr. President, I yield 5 minutes to the distinguished Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, I rise in strong support of the amendment offered by my good friend and able colleague from Oklahoma, Senator BOREN. I have long had an interest in the subject of campaign funding. And I feel there is an overwhelming need for reform. The issue has been ignored for too long and the problems have become extremely serious.

An examination of some of the facts is most disturbing and although our colleagues have described some of those faults, I would like to review a few of them myself.

There has been a mindboggling increase in campaign costs during the last several years.

From 1976 to 1984, the average campaign expenditures in a winning House election have increased 230 percent. In the Senate, the average cost has gone from $609,100 to over $2.9 million, an increase of 385 percent.

Along with the growth in the overall expenditure of campaign funds, there has been a corresponding increase in political action committee [PAC] contributions. In 1974, 608 PAC's contributed $12.5 million. In 1984, the number had increased sevenfold—4,000 PAC's gave over $100 million. In the 1984 congressional races, PAC contributions were 26 percent, over one-quarter of all moneys raised by candidates. The influx of these moneys brings the issue of PAC contributions and the future of campaign financing into serious question. In my opinion, action needs to be taken to curb both the growth of overall spending and the increased reliance on PAC contributions by candidates.

The Boren legislation, the Campaign Finance Reform Act of 1985 (S. 1806), makes several necessary changes in our system of campaign financing. It would limit to $100,000 the amount a House candidate can accept from political action committees and limit Senate candidates to between $175,000 and $750,000—depending on the size of the State. A small State, such as mine, would be limited to $175,000. In addition, the legislation would lower the current maximum allowable PAC contribution per election from $5,000 to $3,000, while raising the individual limit from $1,000 to $1,500. The legislation also calls for important changes in the area of media advertisements by other organizations not authorized by a candidate.

Although it may be possible to improve upon the bill, I believe it is the first comprehensive legislation of its kind and an important first step toward tighter control of campaign financing and PAC reliance. As a result, I strongly endorse it and I am pleased to be a cosponsor. It is my hope that the Congress will now work its will on the legislation and, where necessary, make improvements as the bill moves toward becoming new law.

The problems of campaign financing have been ignored for too long now, as the costs of campaigns have increased, as the number of PAC's and the amount of PAC moneys has increased, as the reliance on PAC moneys by candidates has increased, and as independent third-party organizations have formed to oppose candidates and influence elections by circumventing the intent of election rules. All of these factors are having a negative impact on the election process.

I was pleased to note that the Commission on National Elections recently recommended raising the limit on individual contributors from $1,000 to $2,500, similar to the Boren bill, which calls for an increase to $1,500. The Commission also stated that there should be no increase in contribution limits for political action committees. I agree with these recommendations and, of course, feel that we not only need to increase individual contributions, but we need to reconsider PAC spending.

An important consideration, in my opinion, is the need to encourage greater election day participation. More citizens need to register to vote, more citizens should vote, and more need to become involved in the election process. Decreased reliance on PAC moneys by candidates forces increased reliance on individual contributors and wider public participation in the electoral process.

I hope my colleagues will join me in supporting the Boren amendment.

I yield back the remainder of my time, Madam President.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank the Senator from New Mexico. I appreciate his remarks, and I hope that my colleagues, as they read the RECORD, will pay close attention to what he has said today.

Madam President, I will yield at this time 1 minute to the distinguished Democratic leader, who is now on the floor.

Mr. BYRD. Madam President, I thank the distinguished Senator from Oklahoma. I also thank him for offering this legislation. I compliment him. I hope that it will be adopted. I ask the distinguished author of the bill if he will allow me to be added as a cosponsor.

Mr. BOREN. Madam President, I am delighted to have the support of my colleague from West Virginia. I ask unanimous consent that he be added as a cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr BYRD. Madam President, I thank the distinguished Senator.

Mr. BOREN. I thank the Chair.

Madam President, a few moments ago I made the comment that I wondered whether or not my good friend from Pennsylvania had been asleep for 11 years. I am sure the Chair realizes—and I say to my distinguished colleague from Pennsylvania—I did not mean that in the literal sense. We serve on the Finance Committee together, and I can assure you that I have never found him asleep there or anywhere else. But I do think all of us in this country, at least in the rhetorical sense, have been asleep for too long to the dangers that are posed by the problems before us in terms of the way we finance campaigns.

One of those who has had a great influence on me in terms of my determination to try to do something about this problem is on the floor, a distinguished Member of this body who has served longer than any other person now serving, and I would like at this time to yield 5 minutes to my colleague, the distinguished senior Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Mr. President, I thank the Senator for yielding this time to me. I shall be quite brief.

Mr. President, I went through the long, well-handled debate we had here a few years on this same subject, but I could not vote for that bill in the end because I at least partly anticipated what some of the things would lead to. And I wish to point out with clarity that so far as benefits are concerned, I have been up for reelection once since that time, and I am as guilty as anyone else in following the errors that I think were in that law. I did not vote for it. I did not want to vote for paying those expenses out of the Federal Treasury. But it is a problem. And there are other problems, Madam President, which I wish to point to at this time.

The Constitution of our great country, almost 200 years of actual uninterrupted use, pointed out with great clarity and emphasis that the power which was being bestowed there was to go directly to the people. Nothing is more clear. And the legislative power, as they expressed it there, would be

vested in the Congress, and one branch would be the House of Representatives where the Members would be elected by the people. Some years later, with reference to the selection of Members of the U.S. Senate the language was changed and the power went even more directly to the people. The language now provides that the Members "shall be elected by the people," not through the State House of Representatives and State Senate but by direct election by the people of the respective States. The crowning part, of all the care that they were wanting to put responsibility and protection on was against unnecessary wars. They said the Congress shall have the authority to declare war. In other words, it is the people who were elected who have the power and by and large it has been so treated and lived up to for nearly 200 years since the Constitution was written and adopted. We tend to turn, with experiments of one kind or another, to special ways of financing the elections. A method whereby money can be sent in from not the people of the State or the district electing a representative but from somewhere, so much, with some limit under present law. This bill merely provides that the limit shall be lowered. In other words, the top figures allowed from other sources shall be lowered. This thing is running away with itself. Many of those who favor the measure as a whole are getting wary, are getting where they, too, want to lesson this total amount allowed from outside sources. That is what this proposal would do.

So I point back to those standards, those guides, the source of power, written clearly and plainly and followed in the Constitution of the United States. We must keep this power where the Constitution puts it, with the people acting through their representatives.

We must return and try again to improve the one we now have. This amendment will help. We are thankful for the work that has been done by the Senator from Oklahoma, the Senator from Kansas, and others.

I judge, Madam President, my time is up.

The PRESIDING OFFICER. Yes. The Senator is correct.

Mr. STENNIS. I thank the Senator, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I believe this time is yielded by the Senator from Pennsylvania.

Mr. HEINZ. I yield the Senator from Missouri 5 minutes.

Mr. DANFORTH. Madam President, first of all, let me compliment Senator, BOREN, Senator STENNIS, Senator KASSEBAUM, and all the others who have participated in this effort. Clearly, there is a crying need for campaign reform. Nobody who goes through a political campaign does so without realizing that there is a need for something major to be done, if it is constitutionally possible to do it. The Supreme Court has hemmed us in a little bit on the possibilities for acting on campaign reform, but clearly there is a crying need.

I want to express my reservations about the Boren proposal and where I think it does not address the main problem and where I think it raises additional problems.

It seems to me, Madam President, that the big problem of political campaigns is what has been stated by a number of the advocates of the Boren position today, and that is that campaigns themselves are costing too much money. The overall cost of a political campaign is too great.

It was said today by a number of the speakers that the average cost of a Senate campaign is $2.9 million. That is the average cost. Somebody once told me that the cost of a Senate campaign triples every 6 years. I do not know if that is correct, but I do know that anybody who spent $2.5 million in his last campaign had better be planning to spend $5 million or more in his next campaign.

Campaigns are too expensive; and under the Supreme Court decision in Buckley versus Valeo, I do not know of any constitutional way to limit the overall costs of a campaign.

As a matter of fact, the cost of a campaign is not governed by anything we do in Congress. It is governed by what people charge candidates. The cost of a television commercial is not governed by law. It is governed by the marketplace. The costs of travel expenses of a candidate have gone up radically. The cost of television have gone up markedly in recent years.

This bill does not purport to limit in any way the cost of a campaign. Political contributions will continue to become more and more expensive, without regard to this bill. That is point 1.

Point 2 is that I think it is very doubtful that a $5,000 PAC contribution is going to buy a Member of the U.S. Senate. Why will it not? It will not buy a Member of the Senate for the simple reason that if you have, say, a $3 million campaign and the most you receive from a political action committee is $5,000, in the present law, $5,000 is one-six hundredths of your $3 million goal. Nobody is going to click his heels and jump for joy for having received a $5,000 PAC contribution.

I do not believe that the Senator from Oklahoma or the Senator from Kansas or the Senator from Mississippi would say that any Member of the Senate who has received $5,000 out of, say, a $3 or $4 million campaign, from a single political action committee, has been bought or in any sense corrupted by the receipt of the $5,000. Nor does the aggregation of PAC contributions, it seems to me, make very much sense.

What difference does it make if a candidate receives $5,000 from the dentists and $5,000 from the ophthalmologists and $5,000 from contractors and $5,000 from a union?

The fact that there are a number of political action committees contributing to a candidate, it seems to me, does not relate to any sense of warping the political process itself. As a matter of fact, it might be said that the more you receive from a large number of political action committees makes the amount you receive from any single political action committee less and less significant to the total campaign.

So, Madam President, I think that the aggregate limit in the bill probably does not further the cause of reform very much. I further believe that to move from $5,000 to $3,000 the most money you can receive from a PAC hardly means that the candidate who received the PAC contribution, which is an infinitesimal part of the total cost of the campaign, is going to be that much more pure.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DANFORTH. May I have 3 additional minutes?

Mr. HEINZ. I yield the Senator from Missouri 3 minutes.

Mr. DANFORTH. Let me state why I think there is a real problem with this bill.

I once attended a dinner party in the Washington area, and four or five of my colleagues were present at that dinner party, a very nice party. All those present were Senators—nobody but Senators and their wives. At the time of the party, I think it was 3 years before my next election. I think it was about 6 years ago. There were other Senators who had just been elected a year before. They were 5 years before their next election.

As we were sitting at this very nice dinner, the other Senators were saying that they had already begun raising money for the next campaign. They had already begun the process of passing the hat for the next campaign. I had done nothing; I had not raised a dime. I had 3 years to go, not 5 years to go.

Madam President, I lost my appetite. [Laughter.]

It was all I could do to finish the meal. As soon as dinner was over, I rushed away from the table, bid farewell to the host and hostess, and ran to my house in Washington, reached for the phone, and made a hurried call to St. Louis: "Let's get on with it. We're falling behind."

The fact of the matter is that raising $2.9 million, $3 million, or $5 million in small increments is hard enough

now that we have to start 3 years, 4 years, or 5 years before an election. If we limit the amount that we can receive from one source, if we say, "No, we're going to cut back on the amount that you can receive, so that it is not $5,000 but $3,000 from one source," we are not going to be starting 5 years before the election; we are going to be starting the day after the election raising funds for the next one.

As for the PAC dinners that we give in Washington, most of that money does not come from the PAC's. Most comes under the guise of individual contributions from lobbyists. That is not going to be touched by this limitation.

As a matter of fact, the pressure created by this bill for that kind of contribution is going to be greater, not less. Instead of attending PAC dinners three times a week, we will be attending them three times a night. This bill, I am concerned makes matters worse, not better.

So I applaud Senator BOREN for a good-faith effort to truly reform election law, but I think he has created a situation here where there is going to be a sort of madcap effort to scurry around raising money in very small increments for ballooning costs of political campaigns.

If I have failed in my analysis, I am sure the Senator from Oklahoma will set me right.

Mr. BOREN. I yield myself 5 minutes.

Madam President, I thank my colleague from Missouri. I understand his concern.

I am encouraged by one thing: that when he did go home and picked up the phone, he did not call two or three Washington lobbyists or PAC directors, but placed a call to St. Louis, in his home State, to ask people there to begin to raise the money. That is becoming a more and more rare situation.

In all seriousness, I hope my colleague will consider two or three points. First, he is correct that as long as the Supreme Court decision stands—and let us hope that some day they will reconsider that decision—we cannot directly put limitations on total amounts that are being spent, because of the decision in Buckley versus Valeo.

However, I hope we will consider this. I think that this proposal does go a long way toward reducing the overall cost of campaigns or to moving us in the right direction.

Twelve years ago, political action committees only injected $8 million into the process. This last year, they injected $113 million.

Human nature dictates that if campaign contributions are made available, they are going to be spent. We are always concerned about doing a little more, buying another ad, buying another spot, if we have the money to do it, to make sure we have done everything we can do in a campaign.

If you dry up the availability of some of that money you are going to have the effect over the long range of reducing the costs. I am convinced of that. If you go back and look at what has happened, there has been an increase in the dollars coming from PAC's, because the increase from individual contributors have slowed down. In fact, small donations from individual contributors have actually declined while PAC money has been going up.

So it is the PAC's that have been the source of this mushrooming amount of political money that is available that is being spent.

So I hope my colleague will consider that when money is not available it is not going to be spent. In the short run that leads to worse—how am I going to raise the money to finance my campaign? In the long run it is an advantage to all, every part of the political process, because I am convinced it is going to reduce the number of dollars spent.

Second, I hope he will think about this. You could raise $1 million under current law by having 200 PAC's give $5,000 each. That would raise $1 million. On the other hand, it would take 100,000 citizens giving $10 or 10,000 citizens giving $100 each.

I hope my colleague from Missouri will think about not only how much money is being spent but where it comes from.

There is an old adage in politics that if you can get someone just to invest $5 in terms of contributions in your campaign, it is very, very worthwhile because that person is going to become involved, interested, and active in the process. It is good and it is healthy.

I hope my colleague will think about that because that is the way the political process is supposed to work—$5 many, many small contributors who become politically active themselves.

I hope tonight that my colleague will take this book. I am going to offer it to him. It is called "What Price PAC's?" It is a book put out by the 20th Century Fund, Task Force on Political PAC's, by Frank J. Sorauf, professor of political science, University of Minnesota. It is a study by the University of Michigan. He points out the people giving to political action committees are far less politically knowledgeable, politically interested, politically involved as citizens than are those who make individual contributions to campaigns. Many more of them attend political meetings, almost twice as many attend political meetings to learn about the candidates. About 50 percent more of them read news accounts and watch the television news, and so on, to keep up with what is going on.

There are all sorts of statistics given in this book, and he concludes:

> Even the contributor's act of writing a check or giving cash to a PAC is a somewhat limited form of participation that requires little time or immediate involvement; in a sense it buys political mercenaries who free the contributor from the need to be personally active in the campaign. It is one of the least active forms of political activity, well suited to the very busy or to those who find politics strange, boring, or distasteful. * * * Except for those who earmark contributions, PAC contributors surrender control over the final destination of their dollars. Giving to PACs is giving to promote an issue or the interests of the parent organization rather than the interests of a party or candidate; * * *

I hope my colleague will think about that.

Let us get this thing moving in the right direction. In the long run by depriving this machine that is ongoing of the source of the money, I think that we can take a very important step. It is not perfect, no. I would like to be able to bring a bill out here that would impose a direct limit on how much can be spent on campaigns. I am sure that the Senator from Missouri would support it.

We have put his provision in terms of equal time provision to keep money from migrating into the independent political expenditures which are very small—only about 5 percent of what political action committees are spending. It is very difficult to expend that money very effectively.

We have also prevented bundling. You talk about $5,000 buying a Senator. I am not so sure. We do not think that is going to happen. No.

But access is often given to that lobbyist who comes in with that contribution and under the present law with the loophole for bundling. It is not only perhaps $5,000. I cite an example of over $150,000 being bundled by political action committees and handed over.

I urge my colleague from Missouri to give this matter consideration. Do not allow a good step from being taken because it is not the total solution to the problem. Let us take a step in the right direction.

My colleague from Missouri and others will have an opportunity to think about this matter, if this amendment is not tabled, and I hope that he will vote against tabling it so that we will have a chance to look at the whole area of campaign reform. It is vital to our Nation that we do something about it.

We will have an opportunity, as I mentioned to the Senator from Pennsylvania a moment ago, to offer other proposals. There are other proposals that should be offered.

I wish to see us someday pass a separate bill reimposing limits on campaign expenditures just to give the Supreme Court of the United States an-

other opportunity to have a test case, to see if we can do something about it.

I appeal to my colleague—let us not let the perfect or an image or a vision of what is great—let us not allow that vision of the perfect to prevent enactment of the good or the possible. Let us take a positive first step now. We cannot afford to wait any longer.

Madam President, I reserve the remainder of my time.

Mr. HEINZ. Madam President, shortly we will run out of time to further discuss at least for today the amendment offered by the Senator from Oklahoma.

I noted in his response to my remarks regarding some of the flaws in his amendment and indeed in response to the remarks of the Senator from Missouri with respect to flaws in his amendment that he did not really answer those particular problems, that he did not address the issue of constitutionality, that he did not address the subject of unintended consequences, that he did not address the question of what results he would or would not achieve.

I listened with some interest to the suggestion that maybe we should amend the Constitution to reverse Buckely versus Valeo.

Not being a constitutional scholar, I have the liberty of making what are probably remarks that are not founded with a great depth of the law. But my recollection of Buckley versus Valeo was the Court found any restraints on individual participation in the electoral process, be it by the candidate or by someone who was acting independently of the candidate, would be an abridgement on the right of free speech and thereby such restraints, if Congress should attempt to impose them, would violate the first amendment.

It occurred to me in a somewhat humorous vein, that what the Senator from Oklahoma seemed to be driving at, although I do not think he quite got there, fortunately, was that we should amend the first amendment to exempt political speech from its protections, and I do not think he really had that in mind, certainly not here.

I think one of the issues that we do need to look at is, Where do we go, what road do we travel if the Boren amendment is adopted?

As I sat here listening to the debate, it occurred to me that one of the many unintended consequences of the Boren amendment will lead to these political action committees finding new and different ways to spend the amount of money they collect. The Boren amendment does not prevent political action committees from collecting money. It does not prevent them from spending the money they collect. Therefore, in that fundamental sense, the Boren amendment, if I am correct, does not really reduce the amount of money involved in the political process. It simply causes that money to be used in some new, creative, maybe undisclosed or undisclosable way.

I do not know whether that is a good thing for the political process or a bad thing, considering the alternatives. But I do not think that, without understanding what is going to happen if we adopt the Boren amendment, we can make an intelligent decision.

The Senator from Missouri has raised a telling point concerning the Boren amendment, which is that it does not do anything to address the rising costs of campaigns. The television spots that cost $500 today cost $100 6 or 8 years ago; or maybe they cost, if you are in Los Angeles, $5,000 and they cost $1,500 or less a few years ago.

And I do not relish the notion that our colleagues, in an effort to try and run for reelection—more importantly challengers trying to run for election—will have to go to more intimate dinners for 10 or 20 trying to raise $1,000, $1,500 or $3,000 at a crack.

The Senator from Oklahoma said there are a lot of ways you can raise money. You could raise a million dollars in $10 contributions from 100,000 people, or $100 contributions from 10,000 people, or I suppose $1,000 contributions from 1,000 people, or $5,000 contributions from 200 PAC's. If Members of the Senate are going to have to spend all their time taking 100,000 constituents out to dinner, all I can say is what this country needs is a good 5 cent hamburger, because otherwise the cost of raising that money is going to exceed the contributions.

Do I say that is a fatal flaw in the Boren amendment, that analysis? It is not necessarily a fatal flaw. It depends on what the consequence is. And my view is that if you are going to squeeze one part of the contributor base down—and maybe that is not a bad thing to do—that given the fact that the cost of campaigns are going to continue to go up, you have to have an answer to that question. And the answer that I would propose, and which is the centerpiece of the legislation that I spoke to this morning and which I will be officially introducing tomorrow, is to allow the political parties to play a far larger role in financing candidates.

You know, I think you can make arguments about whether political action contributions, be they $3,000 or $5,000, can buy influence or in some sense hypothecate the vote of a Senator or not. I think not, personally, because I have had an opportunity to work with people on both sides of the aisle and I just do not think that they are for sale. But, nobody can make an argument or a suggestion that money collected by and then distributed by a political party is going to in anyway taint, if your view is there is a taint connected with soliciting contributions as a candidate; that party contributions are not going to taint any candidate in any way, shape, or form.

So it seems to me that the right answer, rather than making it more difficult for people to finance ever-increasing campaign costs, is to take some of the pressure off candidates who feel impelled to go to political action committees and to permit parties who can afford the sophisticated mechanisms to raise funds all year round and who do not feel the embarrassment of having to start raising money 5 years before the next election day is to let political parties do what I always thought political parties were supposed to do; namely, support their candidates.

That is not exactly a radical notion, but it is realistically impossible under the current Federal Campaign Act. Because the current act does not permit parties, except in very modest, even nominal ways, to do that.

I do not have all the statistics on all the races, but I think this debate today would be incomplete if I did not enter into the RECORD some summary statistics about at least information dealing with Republican incumbents who ran for reelection in 1984. Because there may be an implication from listening to all this debate that political action committee contributions are somehow overwhelming and, therefore, are absolutely indispensable to a particular party.

What I have here is a printout which I believe to be accurate, but until I get total documentation I am not going to put the entire printout on the record. But in the case of the 17 Republicans who ran for reelection in 1984, the total cost of those campaigns were some $47,698,000. Of that amount, some $32,097,000, or 63 percent of the total, came from individual contributions. Individual contributions accounted for more than two-thirds of all the funds raised by Republican incumbents running in 1984.

Political action committee contributions totaled $9,961,000, or 20.9 percent; about $1 out of every $5. And party contributions—party contributions, the ones that we limit by law—accounted for $4,478,000, or 11.5 percent of the total.

It seems to me that if we really were serious about political action committees and their pernicious influence and all the other implications that have been hurled either at them or at Members of the Senate or at candidates, that we could easily reverse those percentages, 20.9 percent for PAC's and 11.5 percent for parties, if we would allow parties to give more. But, you know, I am not sure we are going to be allowed to do that, because the fact is that that would be perceived as giving the Repubican Party some kind of an

advantage because we have a much larger small contributor base than the Democrats. Very ironic, but that is the case.

Now the Republican Party has lots and lots of little contributors who give us a great deal of money and who would like to give us more and for reasons best known only to our colleagues on the other side of the aisle—maybe it is they just do not have a coherent concept of how to govern this country. I do not know. Maybe they have a coherent concept and cannot articulate it. But whatever it is, I suspect giving parties more of a role in the political process is going to be pretty difficult to achieve because it will be perceived as conveying partisan advantage.

And while I would not deny the statistics or the numbers, the fact is that does not make it the wrong thing to do. It is in fact the right thing to do. And maybe if it were necessary, maybe if people knew it was coming—not this year, not in 1986, but in 1988—maybe necessity, which is often called the mother of invention, would cause my colleagues, my counterparts on the other side, to go out and do what they ought to be able to do which is to appeal to the average American for the support of their party.

Right now they just do not seem to be able to do it, but maybe if we take a long enough view—if we do not rush into it, but we make the decision to do it on a deliberate basis—then the concerns about some kind of an advantage being yielded to one party or another can be overcome, and instead of trying to attack the problem by dealing with its periphery, as I think we are doing here, we really will make it possible for our colleagues to spend more of their time thinking, more of their time listening to their constituents, less of their time fundraising, and more of their time doing legislation and the people's business.

That is what we ought to be doing.

I reserve the remainder of my time.

Madam President, how much time remains?

The PRESIDING OFFICER. There are 7 minutes to a side remaining.

Mr. HEINZ. Madam President, I yield 5 minutes to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator from Pennsylvania. Madam President, there is considerable virtue to this amendment. There is positive value because it identifies a problem. It identifies a sickness in the body politic. That sickness has been diagnosed in a number of different ways. One of the most serious symptoms, it seems to me, is the fact that we now have a lower voter turnout than we did when the distinguished Senator from Mississippi first ran to be elected to this Congress.

Throughout the 20th century there has been an almost steady decline in voter turnout with very few exceptions in very few elections. So the voter response and voter participation gets lower and lower. What do we do? We put in higher and higher dollars. So as the response of the voter gets lower, as the participation of the voters is going down, the number of dollars is going up. Those are serious symptoms.

The Senator from Oklahoma is exactly right in saying we have a problem here, and we ought to deal with it.

My difficulty, and the question I have about his amendment, is that in the long run he may want to trade PAC's for cats—PAC's for cats—or cats for PAC's. He wants to have more fat cats contributing more money, and political action committees contributing less money.

Some people will say, well, one of them is poison and the other is a panacea. The other will say one is a panacea and the other is a poison. But whether it is a panacea or poison, my question is whether it is going to cure this illness in the body politic. That is the problem. Is it going to cure the illness in the body politic, even if it were, in fact, a realistic remedy? I am not sure that it addresses itself to more than the symptoms. It does not get to the real causes of the problem.

So I appreciate the concerns that have prompted the Senator from Oklahoma to offer this amendment.

I have been an advocate of campaign finance reform. Campaigns are too long, and they are too costly. They shake the confidence of too many Americans in the fact that the Congress serves the public interest, and not some special interest.

The questions that I have about this amendment do not stem therefore from lack of concern about the way in which congressional campaigns are financed because I think the Senator from Oklahoma and I share those concerns.

But I do think they need to be addressed more fundamentally, frontally, differently. The first thing I think we need to do is to proceed through the regular process which is time honored in the Congress, the process of going through the committee of jurisdiction, establishing the facts, bringing in the best advice we can get, looking at the probabilities of results, and at what are going to be the consequences of the action that is contemplated. And that is not a process that has taken place.

There was a hearing in the Committee on Rules and Administration on November 5 to consider legislation to provide for public financing of Senate elections.

I am grateful to the Senator from Oklahoma for attending that hearing, and for the time he took in discussing the matter.

Again, I appreciate the Senator's concerns, and share his objective of restoring confidence in the system by moderating the role of so-called special interests. In my own view, however, the Senator's amendment does not go far enough in remedying the problem of money in politics. My fear is that adoption of this amendment in the long run may work against the kind of basic reform we badly need.

If the Senator's amendment passes, I think it is safe to assume that there are waiting in the wings an undetermined number of additional amendments, all of them subject to the same objections that can be raised with regard to the pending amendment. To amend the campaign finance laws in this fashion is to lose the ability to legislate rationally and comprehensively. We are dealing with what already is a complex body of laws and regulations. To propose changes without a hearing record and without a committee report is to compound the difficulties encountered by the Federal Election Commission in administering the campaign finance laws and by candidates and campaign personnel in complying with them.

In all candor, I must say to the Senator, we cannot do justice to the complexity of the issues we face in campaign finance reform during debate on the amendment he has offered to the pending bill. As strong as our opinions on this subject may be, on one can claim that all points of view on campaign finance are represented here in this body. Nor, as close as these matters are to us, can we claim the only expertise on the subject.

It is important to fully grasp all the dimensions of the problem. It is equally important to consider a broad range of possible solutions. And certainly we must weigh carefully the consequences of legislation we enact. That is not a task we are equipped to do here. It is one I am committed to doing through congressional hearings. Therefore, I would ask my colleague, and those Senators who may be considering supporting this amendment, to raise their concerns and put forward their proposals for change in a forum that will permit the kind of careful deliberation these issues merit.

I urge my colleagues to table the amendment.

The PRESIDING OFFICER (Mr. COHEN). The Senator's time has expired.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Mr. President, I yield myself 5 minutes.

Mr. President, I appreciate the remarks just made by the Senator from Maryland on the floor. I respect him very, very much.

No person has done more to call to the attention of the American people the problems of the way campaigns are now financed than the Senator

from Maryland. No one has been a stronger voice bringing those problems to the awareness of our people. He was working for campaign reform long before I ever came to the Senate of the United States. I honor him for that. And I respect him very much.

I hope he will consider, as I said earlier to the Senator from Missouri, that we should not prevent a vision of what any of us may feel is a perfect solution to this problem, nor prevent us from taking a very important first step in the right direction.

If we defeat the motion to table this pending amendment, it will be a strong message to the American people that we in the Senate believe there is something terribly wrong with the campaign system that we now have. It will be an affirmation of the message that the Senator from Maryland has been taking to the people for these many years. It will give us an opportunity to take a step in the right direction, and we should not miss that opportunity.

There are those, like the Senator from Maryland, who would like to see us adopt public financing. But I would say to my colleague from Maryland, there are many others who have misgivings about that solution. If you look at the opinion polls of the American people, there is a very significant opposition to public financing at this time, while there is strong support for campaign reform in the area of reducing the inputs of political action committees.

If we take this step toward reform, and other steps which are mandated by reason of logic, then if those are not sufficient to solve the entire problem, I would say to my friend from Maryland I believe there will be many others across the country and in this body who would then be willing to look at public financing as the ultimate solution if we are not able to address the problem in any other way.

But until we take the first step, until we try this, I believe it is going to be very, very difficult to get a majority of the Congress or a strong majority of the American people to move in the direction of public financing.

I hope that he would consider taking this first step, doing what we can to improve the process.

Oftentimes we enact legislation on the floor of the Senate that is not perfect but moves us toward a goal. Far better that we remove at least a portion of the problem that we now have in our election process than continue total inaction, hoping someday to come up with the answer for a perfect system.

Mr. MATHIAS. Will the Senator yield?

Mr. BOREN. I would be happy to yield.

Mr. MATHIAS. The Senator talks about a first step. I honestly believe that the first step would be to come to the Rules committee where we could have a very early and complete hearing on this subject; where we will be able then to project the effect of going back and looking at fat cats as the principal source of financing of election; where we could examine some of the alternatives or some of the refinements or some of the additions that are bound to be at least attempted to be placed on this amendment if it survives a vote tomorrow.

I think we really need to take a longer and more comprehensive look.

I am not talking about something that will delay action. As chairman of the Rules Committee I will assign a date immediately. We can have a very early hearing. But I think we are in really dangerous territory when we legislate on the floor without the benefit of careful studies.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOREN. I yield the additional time remaining to myself.

I thank the Senator from Maryland. I certainly mean no disrespect when I say there are many of us who have watched this subject being around for a long time. Not the Senator from Maryland, but many others who say, "Let us wait until after the next election."

There can be many excuses offered for not moving to action. I simply feel as a matter of conscience that we need to go ahead and get this matter before the Senate now.

There is one question that I want to answer before the end of the day. The Senator talked about preserving PAC financing because we need to be sure that we help the challengers. I do hope that those who are challengers for public office, those who are wanting to run for the first time, for example, and do not enjoy the benefits of incumbency, will look at statistics before they call in to honor the Senator from Pennsylvania, before they send out the invitations and ask everyone to come to honor him as friend of the year this year, the challengers, those wanting to run for public office.

Last year, political action committees contributed 4½ times as much to incumbents as they gave to challengers. It is certainly in the interest of any challenger for political office that all of us who run for office should have to go back to the grassroots, to the citizens, to ask for those contributions, a dollar at a time, a person at a time, just as we have to ask for those votes. That puts the challenger on an equal footing. Allowing the lobbyists in Washington who need to have access to those who are on the right committees to hold fundraisers and to make contributions $5,000 at a time in the name of those special interests, based upon how we vote here or in committees in regard to the interest of those special groups, certainly is not to the advantage of an open political process in this country.

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes remaining.

Mr. HEINZ. Mr. President, I see no further request for time on this side. I yield back the remainder of my time.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL ACT OF 1949 AMENDMENT

The PRESIDING OFFICER. The clerk will state S. 1886.

The bill clerk read as follows:

A bill (S. 1886) to amend the Agricultural Act of 1949.

Mr. BYRD. Mr. President, is this the second reading of the bill?

The PRESIDING OFFICER. It is.

Mr. BYRD. I thank the Chair.

Mr. President, I object to any further consideration of the bill.

The PRESIDING OFFICER. The bill will now be placed on the calendar.

Mr. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMM). Without objection, it is so ordered.

VETERANS' COMPENSATION AND BENEFITS IMPROVEMENTS OF 1985

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate turn to Calendar Order No. 438, S. 1887, the veterans' compensation COLA bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1887) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to improve veterans' education benefits, and to improve the Veterans' Administration home loan guarantee program; to amend titles 10 and 38, United States Code, to improve national cemetery programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island?

There being no objection, the Senate proceeded to consider the bill.

(By request of Senator CHAFEE, the following statement was ordered to be printed in the RECORD:)

● Mr. MURKOWSKI. Mr. President, I rise in support of S. 1887, a Veterans' Affairs Committee reported bill that would provide a 3.1-percent COLA for service-connected disabled veterans and their survivors, as well as other modifications to title 38, United States Code. The committee bill has five titles: Disability compensation and dependency and indemnity compensation; Veterans' Administration education programs; home loan guaranty programs; national cemetery programs; and miscellaneous provisions.

S. 1887 is the product of extensive work of the committee members, and was ordered reported unanimously on October 31, 1985.

Mr. President, aside from a cost-of-living adjustment for service-connected disabled veterans and their dependents and survivors, which is in and of itself sufficient reason for rapid and favorable consideration of this bill, there are certain other provisions of the committee bill which I wish to highlight.

A major component of this legislation is contained in title III which has been derived from my original bill S. 1788 and is designed to streamline and improve the management of the VA's Home Loan Program.

Mr. President, I want to stress that the initiatives we have taken in these provisions are intended to help ensure that the Loan Guaranty Program will continue to be a benefit program for our Nation's veterans. It is not a benefit, however, when lenders approve loans to veterans which they cannot afford to repay. Unfortunately that has occurred all too often, and has been documented in a recent audit of the VA loan approval practices by the VA's inspector general. The inspector general found that in fiscal year 1982 14.1 percent of the home loans guaranteed by the VA were made to noncreditworthy veterans. Even more disturbing is the fact that over half of those loans have already been foreclosed. At an estimated loss of $14,496 for each property, the VA has already lost over $105 million on loans guaranteed during fiscal year 1982.

The bill which I introduced in October directed the Administrator of the VA to prescribe, through Federal regulations, a debt to income ratio to be used as the credit underwriting standard for the purpose of determining the ability of the veteran to repay the loan for which he is applying. The bill we have before us now includes this provision with a minor modification. The Administrator, under this legislation, would not be restricted to establishing one ratio, but could prescribe more than one, so as to account for differences in amounts and types of loans and for regional cost-of-living variations. This is an extremely important measure because it would afford VA loan guaranty staff and lending institutions a simple but effective method of determining whether the veteran applicant is a satisfactory credit risk.

Under this legislation, no veteran who could afford a loan would be rejected for a VA guaranty on that loan. A safety valve, if you will, has been written into the legislation to make sure that all creditworthy veterans would have the opportunity to take advantage of the Loan Guaranty Program. If a veteran did not meet the appropriate debt to income ratio, but could otherwise show that he or she is a satisfactory credit risk with respect to the loan for which he or she is applying, then the Administrator would have the authority to waive the prescribed standards and grant a guaranty for that loan. We will never eliminate foreclosures altogether. There are many causes of foreclosure over which we have can have absolutely no control. We can, however, help prevent veterans from getting into homes which they cannot afford, and hopefully cut VA losses by hundreds of millions of dollars annually. I believe that this step should have been taken years ago. Unfortunately it was not and thousands of veterans have therefore been forced to deal with the hardship of foreclosure. Not only should we not continue to do this disservice to our veterans, but in this time of crippling deficit spending, we should refrain from spending money unwisely.

S. 1887 also includes provisions relating to default and foreclosure procedures. These are provisions which are derived from the bill I introduced in October. The goal in establishing these statutory requirements is to reduce VA losses as a result of default and foreclosure by providing for more timely corrective and legal action.

This bill also calls for major reforms in the VA appraisal process. One of the contributing factors to the amount of money the VA loses each year under the Loan Guaranty Program is a high incidence of inaccurate property appraisals. In an effort to cut down on the number of inaccurate appraisals, this bill would require the Administrator to establish uniform qualifications and prescribe a standardized examination to be successfully completed by all individuals who appraise property under the Loan Guaranty Program. The bill also would provide for greater input on the part of the mortgage banking community. The VA can benefit from the professional knowledge and opinions of mortgage lenders regarding the quality of appraisals and appraisers. With this in mind, this legislation would call for input from the lending community as to whom the quality appraisers are. We have also included a provision which would allow lenders proposing to make loans to veterans to review the appraisals of the property. At the present time the lender is not given that opportunity. If the lender was not convinced that the appraisal of the property was accurate, under this bill he could obtain a second appraisal, which would also be considered by the VA before it issued a certificate of reasonable value for the property. I believe that this initiative will also help provide a more efficient and cost effective program.

S. 1887 also calls for greater cooperation between the VA and the real estate industry for the purpose of disposing of the VA's vast inventory of foreclosed properties in a more timely manner. This would result in reduced losses to the VA. Under this bill the VA Administrator would be directed to conduct a pilot program to determine whether it would be more cost effective to contract the property management and disposition functions out to commercial organizations.

Mr. President, what I have done is taken a comprehensive look at the VA Loan Guaranty Program keeping in mind its weaknesses and the benefits which it is supposed to provide. The program is losing a great deal of money each year for a variety of reasons. My intention was to address those causes and reduce the losses to the maximum extent possible without inhibiting the opportunity for qualified veterans to continue to use the program. The provisions of title III of this bill approved, unanimously by the Veterans' Affairs Committee members, would do just that.

Title I of the bill would provide a 3.1-percent cost-of-living adjustment in disability compensation for service-connected disabled veterans, and the related benefits paid to their surviving spouses and dependents. The increase is based on the rise in the Consumer Price Index, and is the same amount that will be provided to Social Security recipients and VA pension beneficiaries, effective December 1, 1985.

The Service-Connected Disability Compensation Program provides monthly cash benefits to veterans to help keep up with inflation for those veterans who are the highest priority category, whose disabilities were incurred in or aggravated by their military service. In September 1985, the VA Disability Compensation Program provided benefits for 2,240,277 veterans who have service-connected disabilities.

Title II would make numerous changes to the VA Readjustment and Education Programs. An important

provision in this title would establish a Commission to Assess Veterans' Administration Education Assistance Policy. The Commission would be comprised of representatives of the education community, the VA, the VA's Advisory Committee on Education, and the Congress. The Commission's job would be to review and to submit within 18 months, a report on issues arising under VA Educational Assistance Programs, including the need for distinctions between certificate and degree course, measurement of pursuit of training, the vocational value of correspondence training, and innovative and nontraditional programs of education.

Mr. President, veterans training under the Vocational Rehabilitation Program on the Vietnam-era GI bill are eligible to participate in VA's Work Study Program. This program allows students to work in a VA, school, or readjustment counseling center on a schedule tailored to meet the student's needs. The student benefits from additional money and work experience. The VA receives the benefit of additional hands and minds to help process the paperwork that comes with serving veterans.

However, the number of Vietnam-era trainees is rapidly declining as the Vietnam war draws further into history. I believe that veterans training under the Post-Vietnam Veterans' Educational Assistance Program [VEAP] and the new GI bill also be allowed the opportunity to participate in this program. Both the veteran and the VA will benefit and this legislation accomplishes that goal.

Title IV contains a provision that would require space be designated for upright markers in each national cemetery, except for those established cemeteries which have never provided for upright markers. S. 1887 would allow veterans or their families to choose an upright marker in a national cemetery and require the VA Administrator to set aside space for upright markers in such cemeteries. Under this provision, if an upright marker is not chosen a flat marker would be provided. This provision was designed to meet the concerns of veterans and their families who wish to have a choice in this very personal matter.

Title V includes provisions that would require the VA to submit by June 1, 1986, a plan including costs and timetable for collocation of seven regional offices on the grounds of VA medical centers and would establish an advisory committee to evaluate the effectiveness of VA programs in meeting the needs of veterans who are native Americans, including Alaskan Natives.

Mr. President, under current law an incompetent veteran without dependents cannot receive VA benefits if he or she is hospitalized at public expense and has assets, excluding a home, of $1,500 or more. Benefit payments are not resumed until the veterans' assets are reduced to $500.

These limits were modified in 1946 and have never been adjusted for inflation.

In 1946 a short period of hospitalization would not affect most veterans since benefits for even a totally disabled veteran could be paid for over a year before the limit was reached. Now 1 month's check will push a veteran with even minimal assets over the limit. In 1946 a veteran released from a hospital with $500 had enough money to reestablish him or herself in the community until benefit payments could be resumed. Now $500 may not be enough for that task.

In 1946 many individuals who were incompetent due to mental illness were institutionalized with little or no expectation they would ever reenter the community. This provision in the law was imposed so as to prevent the accumulation of large estates by those veterans whose needs were being met by an institution. It was believed these estates would ultimately be passed to distant heirs with little or no interest in the veteran.

Now, many veterans institutionalized due to mental illness can expect to be released after a short time. These veterans should be provided with the means to care for themselves until their benefits can be resumed. This legislation will accomplish that goal. It does not provide a complete adjustment for the effect of inflation since 1946.

Mr. President, I have just touched on certain provisions in the committee bill, S. 1887. Each provision of the bill is explained in detail in the committee Report No. 99-200.

Mr. President, I appreciate the hard work and cooperation of my friend from California, Senator CRANSTON and his fine staff—Jon Steinberg, Ed Scott, Bill Brew, Babette Polzer, and Nancy Billica—in working out the details on this legislation. Its scope is extremely broad and we all worked hard to complete this task in a timely manner. This bill is time sensitive as the 3.1-percent COLA for service-connected disabled vets has an effective date of December 1, 1985. I have been informed by the VA that if we can adopt this bill and finish our negotiations with the House by week's end, the compensation checks can be mailed on time. I believe that this goal is possible to achieve. The Senate has always given the service-connected disabled veteran the highest priority. The prompt adoption of S. 1887, will be a continuation of that important tradition.

In closing, I wish to recognize and applaud the fine work of my staff for their efforts in putting the legislation together. Without their dedication, professionalism and hard work S. 1887 would not have been possible. My thanks to Anthony Principi, Julie Susman, Chris Yoder, Brian Bonnet, Allen Blume, Lisa Gilman, and the entire professional and support staff of the committee.●

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I rise in support of the pending measure, S. 1887, the proposed "Veterans' Compensation and Benefits Improvements Act of 1985." This measure, which was reported by the committee last Tuesday and represents a truly bipartisan effort, would increase the rates of disability compensation paid to service-connected disabled veterans and the rates of dependency and indemnity compensation paid to the survivors of those who die from service-connected causes. It would also make various improvements in veterans' education benefits, in the VA's home-loan guaranty program, and the National Cemetery System.

The VA's service-connected disability compensation program is at the very heart of our Nation's system of veterans' benefits. The priority that is attached to the needs of service-connected-disabled veterans and the survivors of those who have made the ultimate sacrifice is well known and well established. The more than 2.2 million veterans who suffer from disabilities resulting from their service and the 342,000 survivors of those who died from service-connected disabilities are, and will remain, our committee's No. 1 priority. They are certainly mine.

COMPENSATION COST-OF-LIVING ADJUSTMENT

Thus, Mr. President, I'm delighted that the pending measure would provide for a compensation and DIC COLA equal to the increase being made this year in Social Security and VA pension benefits—3.1 percent. Consistent with the precedent we established last year in Public Law 98-543, as well as in the reconciliation bill, Public Law 98-369, this increase would be effective December 1, 1985, the same date as the indexed COLA's for Social Security and VA pensions. As our committee has noted many times in the past and throughout this year, we continue to be committed to maintaining this approach. I also note that, by virtue of section 156(e)(1)(A) of Public Law 97-377, a fiscal year 1983 continuing appropriations measure enacted on December 21, 1982, the enactment of this COLA would automatically result in a 3.1-percent increase, effective on December 1, in survivors' reinstated, Social-Security-like benefits paid under section 156 of Public Law 97-377 to certain surviving spouses with minor children.

With respect to the other provisions of the pending measure, I want to make specific reference to a number of

provisions from legislation I introduced and amendments I proposed as part of the committee's consideration of this legislation.

TAX-EXEMPT STATUS OF COMPENSATION BENEFITS

First, section 108 of S. 1887 includes a provision—from Senate Concurrent Resolution 20, which I introduced on February 26—declaring the sense of the Congress that VA compensation should remain exempt from Federal income taxation. A majority of the U.S. Senate—52 Senators, 11 from this committee—has now endorsed this measure.

Mr. President, VA compensation benefits are the means through which a grateful Nation seeks to recognize and repay the sacrifices made and hardships incurred by those who have suffered disabilities in the line of duty. The benefit levels for veterans under the service-connected disability compensation program have, traditionally, been provided on a tax-exempt, wage-replacement scale, based on the average earning impairment caused by the disability.

In November 1984, the Department of the Treasury proposed, in its tax reform package, that the tax-exempt status of veterans' disability compensation be terminated. This proposal was subsequently rejected by the President in the development of his tax reform package, which he submitted to the Congress on May 29.

Taxation of VA compensation payments could place a higher tax burden on more severely disabled veterans and would thus violate the policy of compensating veterans with greater degrees of disability at sufficiently higher rates to reflect those veterans' disproportionately greater needs. In addition, disruption of the relationship between the compensation levels and the wage-replacement basis would inevitably lead to consideration by the Congress of the need for raising the payment levels.

Mr. President, the House has passed a similar provision in H.R. 2343.

The result of our combined efforts is that we have, at least for now—and, I hope, indefinitely—effectively killed the proposal that had emerged from the administration as part of its initial tax reform package.

IMPROVEMENTS IN THE "NEW GI BILL"

Sections 203 and 204 of S. 1887 are derived from S. 1509, which I introduced on July 26 with Senator COHEN and which is cosponsored by Senators BUMPERS, MITCHELL, and PRYOR, to permit New GI Bill (chapter 30 of title 38, U.S.C.) benefits to be used for home-study and to add responsibility for monitoring the New GI Bill Program to the responsibilities of the VA's Advisory Committee on Education. In addition, section 201 contains provisions derived from S. 962, which Senator COHEN and I introduced on April 22 and which is cosponsored by Senators MITCHELL, BUMPERS, and ROCKEFELLER, to permit veterans training under the New GI Bill Program to use their benefits for VA on-job training and apprenticeship programs.

VA HOME-LOAN GUARANTY INCREASE

Mr. President, S. 9, the proposed Veterans' Administration Housing Program Amendments of 1985, which was introduced on my behalf on January 3 and which is cosponsored by Senator DECONCINI, included an increase, from $27,500 to $35,000, in the maximum VA home-loan guaranty.

On October 24, the chairman included an increase to $32,500 in his bill, S. 1788. We have agreed on $33,500 in section 303 of S. 1887. This would be the first increase in over 5 years. I pursued a similar increase last year in S. 2265 in the 98th Congress, and I am grateful to Chairman MURKOWSKI for his cooperation on this issue.

VA ADMINISTRATIVE REORGANIZATIONS

Included in section 501 of S. 1887 are provisions derived from S. 1397, the proposed Veterans' Administration Reorganization Act of 1985, which I introduced on June 27 and which is cosponsored by Senators MATSUNAGA, DECONCINI, and ROCKEFELLER. These provisions relate to section 210(b)(2) of title 38, which requires the VA to provide Congress with a detailed plan and justification for certain substantial proposed reorganizations in advance of implementing them.

Mr. President, as Members may know, on February 1 of this year, the Administrator submitted to the committee letters giving notice of the VA's decision to close down a wide range of VA activities at its 59 Department of Veterans' Benefits regional offices and to consolidate those activities in three processing centers. The Administrator stated that his letters were submitted in accordance with section 210(b)(2). That section provides, in part, that the VA may not in any fiscal year implement a reorganization involving a more-than-10-percent reduction in the number of full-time equivalent employees at any VA facility with more than 25 employees unless the Administrator, not later than the date on which the President submits the budget for that year, provides "a report containing a detailed plan and justification for the reorganization."

Mr. President, I ask unanimous consent that the text of the Administrator's February 1, 1985, letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,

Washington, DC, February 1, 1985.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: In accordance with the provisions of Title 38 United States Code, Section 210(b)(2), we are providing notification of a planned reorganization and consolidation of field office functions of the Department of Veterans Benefits (DVB), that do not require face-to-face contact with the veteran.

JUSTIFICATION

Consolidation of these functions will enable us to take better advantage of the advances of recent years in management and communications technology. In this way, we can further improve our efficiency in delivering veterans' benefits and provide for continued high quality service to veterans. This change will enable employment to be reduced by 17 percent over 1986-88. In addition, after the consolidation is complete, substantial budget savings will be achieved.

PLAN

We propose to consolidate DVB benefit processing and support activities from 59 regional offices into 3 processing centers over the course of fiscal years 1986 through 1988. Activities designated for centralization include adjudication of compensation, pension, and education claims; loan processing; and support services, including administrative, finance, and personnel functions.

DVB operations involving direct personal contact with veterans and beneficiaries will continue in the regional offices, and no office would be closed by this consolidation. Veterans assistance, compliance survey, vocational rehabilitation and counseling, and loan servicing, property management, and construction and valuation activities will remain at the field offices.

DVB employment would be reduced by more than 2,300 FTEE over the three years as a result of efficiencies possible with consolidation. Current budgeted staffing for FY 1985 is 13,518. A reduction of 624 FTEE is scheduled for FY 1986. Employment reductions will be accomplished through centralization of the designated functions. Staffing reductions will be achieved through attrition, voluntary reassignments, and special initiatives for employee placement.

Annual savings of more than $55 million can be realized after full implementation of the planned consolidation. However, one-time costs for relocation and severance pay, as well as site preparation and equipment, will require approximately $85 million over the next three years. The 1986 President's Budget contains $25 million for the 1986 consolidation, and the remainder of the $85 million has been included in the projections for 1987 and 1988.

Reorganization will be achieved by transferring the designated activities to the three center locations through a transfer of function. Between 7,800 and 7,900 FTEE would be affected. We will meet all labor-management obligations, including the requirement to provide 120-day notice to the American Federation of Government Employees (AFGE) and the National Federation of Federal Employees (NFFE).

A task force has been established to develop an implementation plan by July 1985. The task force will provide definitive plans on locations and relocation strategies, as well as detailed estimates on translocation and equipment costs (particularly for ADP equipment).

To allow for the lead time required to prepare office space, we now expect the first move to occur in July 1986.

I will be pleased to provide any additional information you may desire regarding our plans for consolidation and reorganization.

Sincerely,

HARRY N. WALTERS,
Administrator.

Mr. CRANSTON. Mr. President, this proposal and the lack of detail in the letter raised questions—many of which still remain unanswered—regarding the impact of the consolidation on the furnishing of various types of benefits and services to veterans and their dependents as well as on the employees affected.

Also, Mr. President, the opinion was expressed in both the Senate and the House—by myself and the chairman and ranking minority member of the House Committee on Veterans' Affairs—that the February letter was so lacking in detail as not to constitute a valid section 210(b)(2) detailed plan and justification. In an undated opinion addressing this issue, the Acting General Counsel of the Veterans' Administration declined to state whether it did or did not. I ask unanimous consent, Mr. President, that our letters regarding the validity of the February 1 reorganization notice and the Acting General Counsel's opinion be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS,
Washington, DC, March 12, 1985.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: Thank you for your letter of February 8 concerning our reported reorganizations of the Department of Veterans Benefits [DVB] and the Office of Data Management and Telecommunications [ODM&T]. You raise a number of matters regarding these proposed reorganizations.

As you requested, I have solicited an opinion from our General Counsel regarding the question of the adequacy of our February 1 letter reporting the proposed DVB and ODM&T reorganizations. A copy of that opinion is enclosed.

No final decision has been made as to the specific DVB consolidation proposal. it has been agreed that the Veterans Administration will develop a plan for modernizing its entire operations, and that we will consider various efficiency alternatives, one of which may be DVB consolidation. The DVB effort has just begun however, and, when it is completed, a decision will be made as to the best course of action to be taken concerning DVB. I want to assure you that we will, as always, work closely with you through our oversight committees, and with veterans' organizations to achieve a consensus before proceeding. We do believe that the ODM&T reorganization is appropriate. We will be providing you with additional specifics concerning it, and the DVB proposal.

I am sure that you would agree with the Administration's position that there is, today, an urgent need to work with the Congress to find ways to achieve savings in all Federal programs. We will attempt to do our part. However, while management improvements and greater efficiency can be realized in VA programs, I want to assure you that this will never be done, while I am the Administrator, by sacrificing compassionate, timely, and good quality care and services for our Nation's veterans.

Sincerely,

HARRY N. WALTERS,
Administrator.

VETERANS ADMINISTRATION
MEMORANDUM

To: Administrator.
From: Acting General Counsel.
Subject: Request for our Opinion as to the Legal Sufficiency of the VA's 2/1/85 Letters to Congress Reporting Planned DVB and ODM&T Reorganizations Under 38 U.S.C. § 210(b)(2).

1. The attached letters dated February 1, 1985 reported to appropriate VA oversight committees and subcommittees in the Congress two planned VA administrative reorganizations. One letter concerned the planned DVB consolidation of certain functions from 59 regional offices into 3 processing centers. The second reported the plan to close three ODM&T field stations and transfer their functions to two other VA Data Processing Centers. You request our opinion as to whether these two report letters were sufficient to meet the notice requirements of 38 U.S.C. § 210(b)(2). A second, related question is what kinds of VA activity constitute "implementation," or "actions to carry out" a reorganization, since such activity must be delayed under 38 U.S.C. § 210(b)(2)(A) until the first day of the fiscal year for which the reorganization is reported.

2. Section 210(b)(2)(A) of title 38, U.S. Code requires the VA to submit a "detailed plan and justification" to appropriate committees of Congress for certain planned VA administrative reorganizations. The first issue presented by your request is what degree of specificity must such a plan and justification meet in order to comply with this standard. The terms of the clause are not defined in the statute. It must be acknowledged, however, that the meaning of the term "detailed" is somewhat subjective and is an area where reasonable minds may differ.

3. The legislative history of this provision does not provide a definition as to the standard of specificity or description therefor. This provision was adopted as a Congressional response to an Agency reorganization involving DVB. In that proposal, substantially all DVB regional office functions would have been consolidated into approximately three offices. One of the two subject reorganizations would similarly consolidate significant portions of the local regional offices. It is noteworthy that Congress, in responding to the earlier plan, did not prohibit such a consolidation of DVB, but rather imposed the notice and wait requirement on any future such reorganization plans, such as the one which is a subject of this opinion. Thus, it is apparent that Congress did not intend to block significant reorganizations so much as to gain time to learn of and evaluate such proposed Agency action.

4. Taken together, the language of the statute, the legislative history and the events rise to this legislation, it may be concluded that the subject clause requires that any such report of a planned reorganization provide notice sufficient to enable the Congress to effectively and efficiently mount its own fact finding and evaluative efforts regarding the planned reorganization so as to make its own assessment of whether to attempt to block such action by legislative means. This provision establishes a period of time in which Congress is assured of several months for fact finding, evaluation and effecting a legislative response. Thus, while the statute uses the word "detailed," the degree of specificity must be considered in the context of the overall process.

5. It is quite clear that once a report provides notice to Congress of a proposed plan the VA oversight committees have the experience and resources to closely scrutinize, question, and if necessary block proposed reorganization. Such oversight is effected regularly and effectively in all VA program and budget areas by the VA committees. This effectiveness is amplified by the "work together" and openness attitude which characterizes the VA's relationship with these committees. This significant, effective oversight process by the VA committees, fully available to them during the lengthy consideration period following submission of the reorganization plan, must be considered in calculating the degree of specificity required by the "detailed plan" requirement of section 210(b)(2)(A). The absence of definition of a standard here, coupled with the lengthy waiting period, underlines further the clear intent that much fact finding would ensue following provision of notice of a planned reorganization. Between antagonists, the requirement for a "detailed" plan might never be satisfied. The fact that there is no statutory resolution mechanism in such an event suggests the intent, born of lengthy experience between the VA oversight committees and the VA, that whatever details may be lacking at the outset would be filled in sufficiently for the oversight committees to make a reasonable judgment on the desirability of a reorganization.

6. The conclusion then, is that while the Agency has a duty under section 210(b)(2)(A) to provide a "detailed," report on any significant VA reorganization, the absence of all of the details, should not, given the context of the Congressional evaluation oversight process established by this section, render invalid a report, which, in other circumstances, might fail to meet commonly-accepted standards of what constitutes a "detailed" plan.

7. Applying the foregoing to the subject DVB report, it must be conceded that considerable detail is lacking; that substantive discussions of how much FTEE will be affected, or, how particular, critical affected activities would be administered following reorganization would contribute significantly to the understanding of what is proposed. On the other hand, the Agency stands ready to provide more information as that information is obtained. It is noted that the Agency letter admits that the VA lacks some details regarding the DVB plan. The Agency has given notice of its basic objective. There is no doubt as to the overall intended result. The Agency will be obliged to provide additional information regarding this reorganization plan, however, to enable the oversight committees to evaluate it properly.

8. Although not of great length, the ODM&T submission provides somewhat greater detail, and, when considered in light

of the whole process, seems to meet the submission requirement of the subject section.

9. The second question is what kinds of VA action constitute "implementation" or "actions to carry out" a reorganization for purposes of the waiting period requirement. The words of 38 U.S.C. 4210(b)(2)(A) provide that the "Administrator may not . . . implement [a covered] administrative reorganization" until he first submits the required report, and further that "[n]o action to carry out such reorganization may be taken" after submission until the first day of the fiscal year for which the report was submitted. (Emphasis added.) Obviously, any complex VA reorganization involves a great deal of lead time and much activity ranging for early planning, to preparation for relocation of functions and personnel, to the actual execution of the reorganization with movement of people and equipment. Again, in the absence of a statutory or legislative history definition the purpose of the waiting period would appear to be the best guide to the intended meaning of the word "implementation." By providing for a lengthy waiting period, the Congress sought to preserve its option to "veto" a covered reorganization.

10. In light of this purpose, it would be inappropriate for the VA to obligate sizable government resources for a planned reorganization if, during the waiting period, it became reason ably apparent that the reorganization would be prohibited by the Congress. However, assuming compliance with the notice provision, we do not believe that the statute generally bars the Administrator from taking steps to commence the movement of personnel and equipment on the first day of the next fiscal year. Submission of such a report is an indication that an Administrator has already determined, in accordance with his statutory responsibilities, that serious pursuit of a reorganization may be in the best interests of program implementation and efficient management. Having made that determination he is obligated to proceed with planning and preparations, so as to permit any actual reorganization to be carried out as soon as possible, once the waiting period has expired. As indicated above, the commitment of resources predicated upon implementation of the plan must be tempered by continuing calculations of whether Congress will block the reorganization. But the fundamental duty of the Administrator to effect the correct management structure requires that prudent resource allocation be undertaken during the waiting period in order to realize the benefits of such reorganization as soon as possible.

11. Presumably, the Congress would only rarely take action to block a reorganization which the Administrator has determined would improve Agency management. Moreover, a measured VA commitment of resources is consistent with the statutory language itself. The language calls for the submission of information about the planned reorganization well before it could be implemented legally, and, contemplates the possible generation of extensive additional information during the oversight waiting period. Thus, the statute itself clearly contemplates that the Agency will expend resources to evaluate, continue evaluating and otherwise plan actual implementation of the reorganization, well before the date before which no actual implementation could take place.

12. Based upon the above, it is our opinion that VA "implementation" action which is prohibited during the waiting period under 38 U.S.C. § 210(b)(2)(A) is the actual carrying out of the reorganization with movement of people and equipment.

ROBERT E. COY.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 8, 1985.

Hon. HARRY N. WALTERS,
Administrator of Veterans' Affairs, 810 Vermont Avenue, NW., Washington, DC.

DEAR HARRY: In am writing in response to your February 1, 1985, letter regarding a planned reorganization and consolidation of certain field office functions of the Department of Veterans' Benefits. In that letter, you stated that you "propose to consolidate DVB benefit processing and support activities from 59 regional offices into 3 processing centers over the course of fiscal years 1986 through 1988."

I share with you a strong desire to improve the efficiency of VA operations and the quality of services. I also believe that the VA should make a concerted effort to take advantage of recent advances in communications and data processing technology in order to make such improvements. However, any actions taken in pursuit of the goal of greater efficiency must, I'm sure you will agree, not be at the expense of service to veterans and be carried out in full compliance with the law.

In your February 1 letter, you stated that your were providing notification "[i]n accordance with" section 210(b)(2) of title 38, United States Code. For the reasons discussed below, I believe that your letter fails to meet the requirements of section 210(b)(2) and that this law prohibits action to implement the planned reorganization during FY 1986.

Under the pertinent provisions of section 210(b)(2), you "may not in any fiscal year implement" a reorganization involving a more-than-10-percent reduction in the number of full-time equivalent employees [FTEE's] at any VA facility with more than 25 employees unless you first submit, not later than the date on which the President submits the budget for that year, to the appropriate Congressional committees "a report containing a detailed plan and justification for the . . . reorganization." In my view, your letter falls far short of providing the type of "detailed plan and justification" required by the law. For example, the letter does not even indicate the number of employees who would be moved (either in total or from each regional office) or identify the cities at which the 3 processing centers would be located. Nor does the letter state how the consolidation would make the estimated more than 2,300 FTEE-reduction possible other than through a vague and conclusory reference to "efficiencies possible with consolidation", which I do not view as satisfying section 210(b)(2).

Moreover, the letter was totally ambiguous as to whether employees who adjudicate claims and attend hearings requested by claimants would remain in the regional offices. Your letter said both that claims adjudication activities would be centralized and that "operations involving direct personal contact with veterans and beneficiaries" would not be moved. This raises the question whether the adjudication personnel whose duties involve direct personal contact with veteran-claimants, such as conducting hearings, would or would not be moved.

These and many other questions would have to be specifically addressed in any type of "detailed plan" in my judgment.

I believe that your letter also fails to provide a "detailed . . . justification". The mere recitation in the letter of claims that the reorganization would enable you to take advantage of recent technological advances, improve efficiency, and achieve savings is unsatisfactory.

In contrast, I note your letters, also dated February 1, 1985, regarding two other proposed reorganizations: the proposed closing of the three data processing and telecommunications field stations and the transfer of certain functions from the VA Prosthetics Center in New York City to a new Prosthetics Assessment and Information Center (PAIC) in the Washington. D.C., area. Both of these letters set forth in much greater detail the specifics of the proposed, much more limited reorganizations (whether or not the data processing letter contains a "detailed . . . justification" as required by the law is an open question in my mind). Indeed, in the case of the proposed PAIC, the letter is accompanied by a description of the implementation actions and a summary of the proposal that discusses justification, organization impact, personnel impact, and fiscal and related impacts.

Indeed, you seem to recognize in the letter on the proposed DVB reorganization that you have not provided the requisite plan. You state that a "task force has been established to develop an implementation plan" and that, in July of this year, this "task force" will provide definitive plans on locations and relocation strategies, as well as detailed estimates on translocation and equipment costs. . . ." It may be that that plan, if accompanied by specific information justifying the reorganization, would provide the level and kind of detail required.

If such a plan and justification is submitted this year (or any time prior to or concurrent with submission of the President's FY 1987 budget), actions to implement the reorganization could lawfully be initiated in FY 1987.

In light of the extensive work that would be necessary to acquire and prepare the office space at the 3 centers, I would also like to emphasize the prohibition in section 210(b)(2) against any "action to carry out" a reorganization until the beginning of the fiscal year with respect to which adequate notification is given. In my view, the law applies not only to the transfer and attrition of personnel but also to all actions preparatory to the personnel moves that would be taken pursuant to the plan. Thus, even assuming that the July 1985 notification of this proposed reorganization will meet the law's reporting requirement, I believe that no work may be done or expenditures incurred to implement the reorganization plan until October 1, 1986, the first day of fiscal year 1987.

As you know, Harry, this reorganization proposal is of great interest and deep concern to many veterans, VA employees, and their families and to all members of the House and Senate. Therefore, I would very much like to learn as quickly as possible your responses to the issues I have raised. In addition, I request that you seek a formal written opinion from your General Counsel as to whether your February 1, 1985, letters regarding the proposed DVB reorganization and the closing of three data processing and telecommunications field stations comply with section 210(b)(2) as to an October 1, 1985, implementation date.

As always, I very much appreciate your cooperation and look forward to your prompt reply.

With best personal regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

Mr. CRANSTON. Mr. President, the provisions of section 501 of the pending measure would define precisely—in almost exactly the way S. 1397 proposed—what type of information a detailed plan and justification for a proposed reorganization must contain. As well as applying to all future proposed reorganizations, the provisions of the committee bill would operate so as to preclude the VA from carrying out in fiscal year 1986—or thereafter without complying with the new provisions—the ill-conceived, ill-advised consolidation proposal of February 1, 1985.

DEFINITION OF VIETNAM ERA

Mr. President, as is discussed in more detail beginning on page 59 of the committee report accompanying this legislation, section 502, which is derived from section 2 of S. 6, would expand the definition of the "Vietnam era" for the purpose of veterans benefits and services under title 38, United States Code, to include the period beginning on February 21, 1961, and ending on August 4, 1964, in the case of those who served in Vietnam during that time.

This is the second time our committee has recommended this change in law—an identical provision was reported by the committee during the last Congress as section 8 of S. 2514 and passed by the Senate on August 9, 1984 as part of H.R. 5618—and I believe that it should be enacted. I have proposed this statutory change because I believe that it is clear that some service personnel faced combat conditions in Vietnam prior to the August 5, 1964, starting date of the Vietnam era in current law and that these veterans should thus be accorded access to veterans benefits and services as veterans of a period of war.

PAYMENTS FOR THERAPEUTIC AND REHABILITATION THERAPY

Mr. President, section 503 of the pending measure, which is derived from section 6 of S. 6, would specify that, effective with respect to VA pensions paid on or after January 1, 1986, any remuneration provided to veterans for participation in certain VA work-therapy programs, which I will describe in a moment, will not be counted as income for purposes of VA pension programs.

Mr. President, under section 618 of title 38, United States Code, the VA operates, in the Department of Medicine and Surgery, therapeutic and rehabilitation programs under which VA patients—either inpatients, residents in domiciliary facilities, or outpatients—selected for such programs perform services for which they receive a small payment. These programs are known commonly as incentive therapy [IT] and compensated work therapy [CWT] programs.

According to the VA, participants in IT programs are assigned duties within the treating VA medical center or domiciliary as patient messengers, grounds workers, and building management assistants and paid, out of appropriated funds, hourly wages ranging from a nominal amount to half the minmum wage. Patients in CWT programs, according to the VA, learn work habits and/or vocational skills by working on projects under VA contracts with private industry or other sources and are paid wages by the private entity under those contracts commensurate with wages paid in the community for work of the same quality and quantity. Both programs are designed to promote self-sufficiency in the participants by developing increased feelings of self-worth and socialization skills, by preventing depression and regressive behavior, and by enabling them to acquire prevocational skills, all in order to reduce dependence on long-term VA hospitalization and other support from Federal, State, and local government sources.

Mr. President, in 1983, the VA's Department of Medicine and Surgery, in direct response to a VA inspector general audit recommendation, instituted a program of income verification pursuant to which VA medical facilities, effective approximately January 1, 1984, began to inform appropriate VA regional offices of the Department of Veterans' Benefits of the amounts paid to veteran participants in the IT and CWT programs. For the participants in those programs who were receiving VA pension, this change resulted in a change in their VA pension eligibility. A recently completed letter report of the Controller General, entitled "Impact of Offsetting Earnings from VA's Work Therapy Programs from Veterans' Pensions" (August 27, 1985), found that "Although the number of veterans affected by the work therapy/pension offset is small, the offset has had detrimental effects on those veterans and on the work therapy programs themselves."

Mr. President, section 503 would address this problem by amending section 618 of title 38 to provide expressly that remuneration received by veterans as a result of their participation in IT or CWT programs would not be counted as income for the purpose of VA pension programs. This provision, if enacted, should reverse the situation found by the GAO and demonstrated in letters to our committee, both last year—when a similar provision was before us—and during the current session, where counting such remuneration as income for pension purposes is acting as a significant disincentive to veterans' participation in these two programs which, in turn, is having an adverse effect on the veterans' successful rehabilitation.

Mr. President, I have a long standing, very strong personal interest in the IT and CWT programs and hope that this provision will be accepted by our colleagues in the House so as to correct the damage done to the programs.

EPIDEMIOLOGICAL STUDY OF THE HEALTH OF WOMEN VIETNAM VETERANS

Section 507 of the pending measure includes a provision, derived from S. 1616, which I introducted on September 10, with Senators DECONCINI, ROCKEFELLER, and INOUYE, that would require the VA to contract for the conduct of an epidemiological study of the health of women Vietnam veterans. This study would be designed to detect gender-specific and other health effects in women Vietman veterans that might be related to their service in Vietnam, and, if feasible scientifically, any such health effects from agent orange exposure.

As is explained in more detail beginning on page 62 of the committee report accompanying this legislation, the major research endeavor designed to learn about the health status of Vietnam veterans, the epidemiological study of the health of Vietnam veterans—currently being conducted pursuant to the mandate in Public Law 96-151, as amended by Public Law 97-72, by the Centers for Disease Control—includes three major components: An agent orange study, a Vietnam experience study, and a selected cancers study. It is expected that this study will provide some very important information regarding possible long-term adverse health effects from exposure to agent orange and other factors related to military service in Vietnam.

Although there is no dispute that this CDC-conducted study of 30,000 male Vietnam veterans will yield a significant level of information regarding general health issues for Vietnam veterans in general—male and female alike—it will not provide any information about the unique experiences and gender-specific concerns of women Vietnam veterans. Thus, since early 1984, I, along with other members of our committee and the House Committee on Veterans' Affairs, have urged the Executive branch to utilized existing authorities to design and undertake an appropriate study of women Vietnam veterans. Unfortunately, no such effort has been undertaken. For this reason, I introduced S. 1616 and then proposed the inclusion of a provision derived from that measure in the pending legislation.

Mr. President, the provision in section 507 would mandate, unless it is determined by the Administrator to be not scientifically feasible, a Vietnam-experience study—study of the long-term health effects of military service

in Vietnam—rather than an agent orange specific study, because of significant concerns expressed by the scientific community and others regarding whether it is possible to develop a sufficiently large cohort of women who may have been exposed to agent orange in Vietnam to ensure the scientific validity of such a study.

In this regard, I note that—as described in an October 2, 1985, letter to me from HHS Deputy Under Secretary Dixon Arnett, the Acting Chair of the Cabinet Council Agent Orange Working Group, which I will insert in the RECORD—scientists at CDC and members of the Science Panel of the Executive Branch Agent Orange Working Group agree that such a study of women Vietnam veterans is feasible.

Mr. President, I ask unanimous consent that the October 2, 1985, letter to me from Dixon Arnett be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Washington, DC, October 2, 1985.

Hon. ALAN CRANSTON,
Ranking Minority Member, U.S. Senate, Committee on Veterans' Affairs, Washington, DC.

DEAR SENATOR CRANSTON: In response to your questions in follow up to my August 26 letter to your letter of September 9, may I clarify my letter and respond to you in order of your questions.

Question No. 1:

The five studies which are being considered or have been started by the Veterans Administration include the following:

a. The development of a roster of female veterans—is ongoing and nearly complete. This is not technically a study.

b. A mortality study based on this roster—should not take long once started, and will be comparable to the mortality phase of the Vietnam Experience Study of male veterans being conducted by CDC, and more powerful than the mortality phase of the Ranch Hand Study.

c. A review of female inpatients' records from Veterans Administration Hospitals, also compared to the roster. This should give some evidence as to whether or not Vietnam women veterans are having different problems than other women veterans who use the VA facility.

d. A telephone survey of 3,000 women veterans, including a few Vietnam veterans, has been completed. This should complement any study based on the VA facilities because the intent of the survey was to determine medical facility use patterns of all women veterans.

e. A readjustment study focusing on female physical and mental health problems will soon be conducted. This study will include 250 (about 5%) of the female Vietnam veterans and some comparisons. The study should be able to detect, as statistically significant, those problems occurring in about 5 to 10 percent of the female veteran population, if they occur twice as often among Vietnam veterans. This would include many of the reproductive system related problems. This study is expected to be finished by 1988.

Question No. 2:

It is true that studies of male veterans will not shed light on female reproductive problems. However, we have little scientific reason to suspect that there are excess medical problems in females due to their experience in Vietnam. Scientifically valid evidence that such problems exist would certainly provide the rationale to proceed with studies which focus on health problems unique to females.

Question No. 3:

The August 23, 1985 letter from Dr. Donald Hopkins of CDC states that a study of female Vietnam veterans is feasible. The members of the Science Panel agree, but point out that information on Agent Orange exposure is lacking for women, and feels that an Agent Orange study of female veterans is probably not possible. The investigators at CDC have never claimed that an Agent Orange study was feasible for women veterans.

In answer to your fourth questions relative to the health status of women Vietnam veterans, I too, firmly believe that more is called for than non specific statements. I assure you that we feel the Executive Branch which includes the twelve Federal Agencies of the Cabinet Council Agent Orange Working Group and the Congressional Office of Technology Assessment as a non-Federal member, has given this question the most careful, the most painstaking evaluation and stand firm in their findings. Should Congress whish to proceed, regardless, with an Agent Orange study of female Vietnam veterans rather than a Vietnam experience study, we will cooperate in every way possible, even though the AOWG advises against such a study at this time.

Sincerely,

DIXON ARNETT,
Acting Chair, Cabinet Council Agent Orange Working Group.

Mr. CRANSTON. Mr. President, although the legislative mandate would be limited to study of how the general health of women Vietnam veterans compares to the health of other women veterans who did not serve in Vietnam, I note, as did the committee report, that the study mandate would authorize the study, to the extent feasible, to include a specific focus on health effects that may be related to agent orange exposure. I intend to pursue that issue vigorously once this measure is enacted.

Mr. President, in order to ensure that this study mandate proceeds on an expeditious basis, the Administrator would be required to publish a request for proposals for the design of the study protocol not later than April 1, 1986.

In order to attempt to ensure that any protocol which is developed is appropriate, once a protocol is developed, it would have to be submitted to the Director of the Office of Technology Assessment for the Director's approval. Also, once the OTA Director approves the protocol, the Director would have an ongoing responsibility to monitor the conduct of the study in order to ensure compliance with the protocol.

In connection with both the approval process and the ongoing monitoring effort, the OTA Director would be required to submit reports to the Congress at intervals specified in the committee bill. The Administrator would also be responsible for submitting periodic reports on the progress of the study and on the Administrator's recommendations for action in light of the study results.

Mr. President, I am delighted that this provision gained the support of the full committee and is in the pending measure. A study of the health status of women Vietnam veterans is long overdue, and this is a vital step toward having such a study carried out.

"NEW GI BILL" DELIMITING PERIOD

Section 202 of S. 1887 incorporates an amendment I proposed to amend the "new GI bill" to correct an inequity that would exist in the cases of individuals who are to be made eligible, by the recently enacted Department of Defense Authorization Act, 1986, Public Law 99-145, both for the chapter 34, Vietnam-era GI bill and for the chapter 30, "new GI bill" and who had left the service and reentered prior to the enactment of the "new GI bill."

Last year, in connection with the enactment of the "new GI bill," Congress included provisions to allow an individual who has eligibility for chapter 34 GI bill benefits and who had remained on active duty since December 31, 1976, to establish, by remaining on active duty for a minimum of 2 years after June 30, 1985, eligibility for a combined benefit equal to benefits under the chapter 30 program plus one-half of the value of the individual's remaining chapter 34 benefits. This combination approach was included as a means of inducing continued service by individuals who might otherwise have left the service in order to use their benefits before the expiration of eligibility for use chapter 34 benefits—December 31, 1989.

Following the enactment of Public Law 98-525, it was brought to my attention that there were a small number of individuals who, although on active duty on the date on which the "new GI bill" was enacted, would not be eligible for these combined benefits because, prior to that date, they had left the service for some period of time. Since the purpose of these combined benefits was to permit individuals to remain on active duty and still utilize their earned benefits, the Senate Armed Services Committee proposed in S. 1160, the Department of Defense Authorization Act, 1986, and the Senate approved, a provision that would permit these individuals to establish eligibility for the combined benefits. Subsequently, this provision was enacted in Public Law 99-145.

While I am sympathetic to the need to make provision for these individuals who had a break in service prior to the

enactment of the "new GI bill," I believe that to provide the same nature and amount of relief from the 1989 termination date to these individuals as is provided to those who remained continuously on active duty during the period from December 31, 1976, through October 19, 1984, is not equitable.

Thus, section 202 of S. 1887 would provide that the 10-year delimiting period under chapter 30 for such an individual would be reduced by the amount of time that the individual had not been on active duty during the period from December 31, 1976, to October 19, 1984, since during this "break" in service the individual would have had the opportunity to utilize VA educational assistance benefits.

WORK-STUDY UNDER THE "NEW GI BILL"

The pending measure also incorporates, in section 205, our suggestion to permit economically disadvantaged individuals training under the "New GI Bill" Program or the chapter 32 VEAP Program to participate in the VA's Work-Study Program. As the original author in 1972 of the VA's Work-Study Program for disadvantaged, full-time veteran-students, I am delighted with this provision.

The VA's Veteran-Student Services Program, is conducted under section 1685 of title 38, enacted in 1971, and is popularly known as the VA's Work-Study Program. This program offers opportunities for full-time veteran-students to earn additional amounts of money to supplement their educational assistance allowances. Specifically, a full-time student enrolled under chapter 31, vocational rehabilitation for service-connected disabled veterans, or chapter 34, the Vietnam-era GI bill, may be paid at the minimum hourly wage for up to 250 hours a semester in return for certain services. These services must be in connection with VA outreach efforts, the preparation of and processing of necessary papers and documents at educational institutions or VA regional offices, the provision of hospital and domiciliary care and medical treatment through VA facilities, or other activities that the Administrator determines appropriate. In determining which veteran-students should be offered the opportunity to participate in this program, the Administrator is required to take into account the veteran's needs for augmentation of the educational or subsistence allowance, the availability of transportation, and the motivation of the veteran. In addition, priority is given to veteran-students who have service-connected disabilities rated at 30 percent or more.

At present, only veterans who are training under chapter 31 or chapter 34 of title 38 eligible to participate in the VA's Work-Study Program. Neither the chapter 32 VEAP Program, nor the chapter 30 "New GI Bill" Program, offer this form of assistance to veteran-students.

I firmly believe that this program is an important one—not only for the economically disadvantaged individual veteran-student who is in need of the additional assistance in order to participate in a full-time program of education, but also for the VA and the educational institutions who benefit from the services provided by the work-study veteran-students. Thus, I am delighted that section 205 of S. 1887 would amend both chapters 30 and 32 in order to permit veteran-students training under those programs to have access to the Work-Study Program.

PROHIBITION OF TERM-BY-TERM CERTIFICATION REQUIREMENT

Section 215 of S. 1887 would prohibit the implementation of any requirement for the submission of term-by-term enrollment certifications for educational assistance benefits. This issue has been around for a very long time and, because of OMB's prodding, has refused to go away. Last year, the Senate approved a provision I proposed to delay the implementation of any such requirement. However, that provision was not enacted in light of the fact that it was understood that the VA's Advisory Committee on Education was reviewing the issue and that no action would be taken on the matter until that committee had made a recommendation to the Administrator. It thus appeared that implementation of this ill-advised proposal would not go forward. This year the advisory committee recommended to the Administrator that a term-by-term enrollment certification requirement not be implemented. Nevertheless, such a requirement could conceivably be imposed.

Thus, this year, we are proposing finally to put this issue to rest. Implementation of such a requirement could have a devastating impact on the paperwork burdens of both the institutions and the VA and on the timeliness of benefit payments at the outset of each term. The VA has advised that if term-by-term certifications are required, almost 2.2 million additonal certifications will need to be processed in fiscal years 1986 through 1989.

COMMISSION ON VETERANS' EDUCATION POLICY

Section 216 of S. 1887 would establish a Commission on Veterans' Education Policy, comprised of representatives of the education community and veterans' service organizations, to be selection based on their expertise in pertinent fields, and ex officio representatives of the VA and the Congress.

The system developed for the administration of educational assistance benefits under title 38 is a complex and confusing one. Much of the basis for the practices, policies, and provisions of law pertaining to the system derives from the VA's and the Congress' experience with administration of benefits from the World War II and Korean GI bills. Through the years the system has remained relatively unchanged although some changes have been made to reflect new developments in education philosophy and practices.

The present system may not reflect the most efficient, cost-effective, and suitable approach to the provision of educational assisatance benefits. I believe that consideration should be given to making appropriate revisions in policies, practices, and provisons in law to protect the interests not only of the Federal Government, but also of individuals training under title 38 and of institutions offering programs of education. Clearly, since VA administration of educational benefits will be with us for some time—under the existing chapter 34 Vietnam-era GI bill, as well as under the chapter 32 VEAP Program and the chapter 30 new GI bill—this Commission could be very helpful in terms of identifying problem areas that need to be explored and presenting possible solutions to some long-standing, complex issues, including the need for distinctions between certificate and degree courses, measurement of pursuit of training, the vocational value of correspondence training, and various aspects of innovative and nontraditional programs of education.

VA HOUSING PROGRAMS: INTERFUND TRANSFER AUTHORITY

Finally, at my request, the pending measure would provide permanent authority to transfer funds from the direct loan revolving fund [DLRF] to the loan guaranty revolving fund [LGRF]. The administration proposed earlier this year that this authority, which has traditionally been provided in annual appropriations measures, be withheld in the fiscal year 1986 appropriations bill.

From its inception in 1944 until 1961, the VA's Home-Loan Guaranty Program was funded through appropriations—totaling $730 million—to the VA's readjustment benefits account. In 1962, the LGRF was established for the dual proposes of paying program costs and receiving program collections. In only 6 of the years since 1962 has the LGRF operated at a surplus. In 11 of the years since 1962, infusions of outside funds were necessary, and until fiscal year 1984 these were achieved through transfers from the unobligated balances of the DLRF. The total amount of such transfers exceeded $1.8 billion.

The DLRF was originally established in 1950 to provide direct VA loans to veterans living in remote, rural areas where commercial lending sources were not available. Because the direct loan program charges interest on its loans, in much the same fashion as a private mortgage lender,

it eventually began to accumulate a surplus. The program was closed, effective in March 1981, for all loans other than those made in connection with specially adapted housing grants to severely disabled veterans, because private credit has become generally available in all areas of the country. Accordingly, the number of new direct loans made by the VA has declined from a high of nearly 28,000 in fiscal year 1960 to a projected total of 15 in the current fiscal year. Concurrently, the VA has been implementing an administration-wide policy of selling Federal assets, such as the VA's portfolio of outstanding direct loans, wherever feasible, to reduce the budget deficit. Nearly the entire direct loan portfolio has now been sold. Thus, substantial unobligated balances in the DLRF are not likely to be available for transfer to the LGRF in the future.

The administration proposed, in connection with its fiscal year 1986 budget submission, that the authority to transfer funds from the DLRF to the LGRF—an authority, as I've said, historically included in annual appropriations measures—not be provided in the future. This proposal was made, the VA said, "so as to reflect the true cost of the guaranty program."

I do not believe that eliminating the VA's authority to transfer funds from the DLRF to the LGRF is necessary in order for the true cost of the VA's Home-Loan Guaranty Program to be made known or properly assessed. According to the VA's fiscal year 1986 budget, there is projected to be an unobligated balance in the DLRF at the end of the current fiscal year of slightly more than $122 million. Since these funds and future unobligated balances would seem not to be needed to support the direct loan program, I believe the Administrator should have the flexibility to transfer funds to the LGRF to the extent that the funds are not needed for the direct loan program.

Fortunately, the HUD-Independent Agencies Appropriations Act for Fiscal Year 1986, enacted as Public Law 99-160, included the transfer authority for fiscal year 1986. However, in order to ensure that this authority will always be available, section 306 of S. 1887 would make the authority permanent.

CONCLUSION

Mr. President, in closing I want to express my thanks and appreciation to the distinguished chairman of the committee, Mr. MURKOWSKI, for the cooperation and courtesies that he and the majority staff, particularly Chris Yoder, Brian Bonnet, Alan Blume, Julie Susman, and Tony Principi have extended to me and the minority staff throughout the development of this measure—as well as for their fine work in developing Senator MURKOWSKI's provisions in the committee bill. I also wish to express my gratitude to Babette Polzer, Ed Scott, and Jon Steinberg on the minority staff for their excellent work on all aspects of this legislation. At this time, I want to express my deep thanks and appreciation to James R. MacRae, an individual who, after almost 10 years of assisting the committee with editorial and printing duties, is retiring from Federal service. Jim's contributions were many during the 4 years I served as chairman of the committee, and he has continued his fine work since 1981 and has served as the chief committee printer for the last year. He will be sorely missed, and I want to take this opportunity to thank him publicly for all his good work and to wish him well in all his future endeavors. I also want to welcome his successor, Roy Smith, who will be working with the committee in the future in this capacity. Both Jim and Roy contributed importantly to the production of the committee's report and I am deeply grateful to them for their help.

Mr. President, the legislation before the Senate is a package proposal. I do not necessarily concur with each and every detail—and continue to have reservations about a few specific provisions. Nevertheless, I am delighted that we have been able, once again, to develop a bipartisan measure that fulfills our commitment to ensure that compensation and DIC benefits for this Nation's service-connected disabled veterans and the survivors of those who have died from service-connected causes are protected from the effects of inflation, and that provides needed safeguards for and improvements in VA programs.

Mr. President, I urge the Senate to approve unanimously the pending legislation.

Mr. DOMENICI. Mr. President, I commend the distinguished chairman of the Committee on Veterans' Affairs, Mr. MURKOWSKI, and the ranking minority member, Mr. CRANSTON, for their efforts to provide our Nation's service-disabled veterans with a fair and equitable cost of living increase in 1986. S. 1887, the Veterans' Compensation and Benefits Improvements Act of 1985, will allow more than 2.2 million veterans to enjoy a 3.1-percent increase in their benefit checks this year. This is the same COLA that will be provided to Social Security beneficiaries and to VA pension recipients.

I would like to remind my colleagues that the fiscal year 1986 budget resolution assumed that Social Security, veterans' compensation, and veterans pension benefits would be provided an identical increase in 1986. Thus, S. 1887 is consistent with the assumptions and intent of the budget resolution.

As my colleagues go to conference with the House on this bill, I urge them not only to complete action as expeditiously as possible, but also to maintain the Senate's position on the amount of the COLA. The House companion bill provides a 3.7-percent COLA for veterans' compensation recipients; this is above the actual cost-of-living increase being provided for indexed programs in 1986.

While no one can deny that these brave men and women deserve an increase in 1986, I do not think that any veteran expects to receive a COLA in excess of the actual inflation rate, especially when our Nation's Social Security and pension beneficiaries, including disability recipients, will receive a 3.1-percent increase.

Mr. President, I raise this issue today because we will soon begin conference with the House on the reconciliation bill. As with S. 1887, the House and Senate reconciliation packages differ significantly with regards to veterans' benefits and services. Both bills contain significant reforms to veterans' medical care, including a means test and third party reimbursement provisions. However, the House version significantly expands medical care for most veterans. I remind my colleagues that as we search for ways to reduce the deficit—as we are doing now with Gramm-Rudman and reconciliation—this is not the time to expand benefits or increase spending.

Although the distinguished ranking minority member of the Senate Budget Committee, Mr. CHILES, cannot be here today, I know that he shares my views. As we go to conference on these bills, he too would urge that we maintain the fiscal discipline and policy assumptions of the budget resolution.

AMENDMENT NO. 1169

(Purpose: To improve and extend the Emergency Veterans' Job Training Act of 1983, to require an evaluation of the feasibility of establishing a veterans' job training program, and to name the Veterans' Administration Medical Center in Phoenix, Arizona)

Mr. CHAFEE. Mr. President, on behalf of Senators MURKOWSKI and CRANSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], on behalf of Mr. MURKOWSKI and Mr. CRANSTON, proposes an amendment numbered 1169.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered,

The amendment is as follows:

At the appropriate place in the bill, add the following new sections:

SEC. 508. (a)(1) The first sentence of section 1 of Public Law 98-77 (29 U.S.C. 1721 note) is amended to read as follows: "This Act may be cited as the 'Veterans' Job Training Act'.".

(2) Any reference in any Federal law to the Emergency Veterans' Job Training Act of 1983 shall be deemed to refer to the Veterans' Job Training Act.

(b) Section 5(a)(1)(B) of such Act is amended by striking out "fifteen of the twenty" and inserting in lieu thereof "10 of the 15".

(c) The second sentence of section 8(a)(1) of such Act is amended to read as follows: "Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran for a period of training under this Act shall be——

"(A) during the first 3 months of that period, 50 percent of the product of (i) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (ii) the number of hours worked by the veteran during those months; and

"(B) during the fourth and any subsequent months of that period, 30 percent of the product of (i) the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (ii) the number of hours worked by the veteran during those months.".

(d) Section 14 of such Act is amended by inserting "(a)" before "The" and adding at the end the following new subsections:

"(b) The Administrator and the Secretary shall jointly provide for a program of counseling services designed to resolve difficulties that may be encountered by veterans during their training under this Act and shall advise all veterans and employers participating under this Act of the availability of such services and encourage them to request such services whenever appropriate.

"(c) The Administrator shall advise each veteran who enters a program of job training under this Act of the supportive services and resources available to the veteran through the Veterans' Administration, especially, in the case of a Vietnam-era veteran, readjustment counseling under section 612A of title 38, United States Code, and other appropriate agencies in the community.

"(d) The Administrator and the Secretary shall jointly provide for a program under which a case manager is assigned to each veteran participating in a program of job training under this Act and periodic (not less than monthly) contact is maintained with each such veteran for the purpose of avoiding unnecessay termination of employment and facilitating the veteran's successful completion of such program.".

(e) Section 16 of such Act is amended—

(1) by inserting "and $55 million for fiscal year 1986," after "1985"; and

(2) by striking out "1987" and inserting in lieu thereof "1988".

(f) Section 17 of such Act is amended—

(1) by striking out "Assistance" and inserting in lieu thereof "(a) Except as provided in subsection (b), assistance";

(2) in clause (1), by striking out "February 28, 1985" and inserting in lieu thereof "January 31, 1987";

(3) in clause (2), by striking out "July 1, 1986" and inserting in lieu thereof "July 31, 1987"; and

(4) by adding at the end the following new subsection:

"(b) If funds for fiscal year 1986 are appropriated under section 16 but are not both so appropriated and made available by the Director of the Office of Management and Budget to the Veterans' Administration on or before February 1, 1986, for the purpose of making payments to employers under this Act, assistance may be paid to an employer under this Act on behalf of a veteran if the veteran—

"(1) applies for a program of job training under this Act within 1 year after the date on which funds so appropriated are made available to the Veterans' Administration by the Director; and

"(2) begins participation in such program within 18 months after such date.".

(g)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2)(A) The amendment made by subsection (c) shall apply with respect to payments made for programs of training under such Act that begin after January 31, 1986.

(B) The amendment made by subsection (f)(2) shall take effect on February 1, 1986.

SEC. 509. (1) In carrying out section 1516(b) of title 38, United States Code, the Administrator of Veterans' Affairs shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training consistent with the provisions of the Veterans' Job Training Act (as redesignated by section 508(a)(1) of this Act) so as to utilize programs of job training established by employers pursuant to such act.

(2) In carrying out such Act, the Administrator shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both such Act and such section, the authority under such section is utilized to the maximum extent feasible and consistent with the veteran's best interest to make payments to employers on behalf of such veterans.

SEC. 510. (a) For the purposes of this section:

(1) The term "private industry council" means a private industry council established pursuant to section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

(2) The term "service delivery area" means a service delivery area established pursuant to section 101 of the Job Training Partnership Act (29 U.S.C. 1511).

(b)(1) The Secretary of Labor shall evaluate the feasibility and advisability of establishing and administering, under part C of title IV of the Job Training Partnership Act, a program described in paragraph (2).

(2) The program referred to in paragraph (1) is a program under which, upon the Secretary's determination and declaration of a severe State or regional employment deficiency or a veterans' employment deficiency in a State or service delivery area, grants are made, from a veterans' job training grant fund established by the Secretary from funds available to carry out part C of title IV of the Job Training Partnership Act, to a State or appropriate private industry council to fund an on-the-job training program which is similar in structure and purpose to the job training program established under the Veterans' Job Training Act of 1983 (as redesignated by section 508(a)(1) of this Act) and is to be conducted in such State or service delivery area.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation made under subsection (b). The report shall include—

(1) recommended definitions, standards, and implementation procedures for declaring and determining the duration of a severe State or regional employment deficiency and a veterans' employment deficiency in a State or service delivery area;

(2) recommended procedures for commencing a job training program in a State or service delivery area and for making financial assistance and other resources available for such job training program when a veterans' employment emergency is declared with respect to the State or service delivery area;

(3) recommended procedures for administering an emergency veterans' job training grant fund, including recommended minimum and maximum amounts to be maintained in such fund;

(4) recommended limits on the amounts of grants to be made to any grantee State or private industry council;

(5) recommended veteran and employer eligibility criteria and entry and completion requirements;

(6) a description of the support and counseling services that are necessary to carry out a job training program in a State or service delivery area;

(7) the recommended administrative component or components of the Department of Labor which would be appropriate—

(A) to administer a grant program described in subsection (b), including the contracting and monitoring functions;

(B) to determine the eligibility criteria for applicants for training and for employer certifications;

(C) to establish findings of veterans' employment deficiencies in States and service delivery areas; and

(D) to verify the level of compliance of grantee States or private industry councils, veterans, and employers with the requirements of the grant program and the job training programs funded by the grant program;

(8) the estimated costs of administering and monitoring a job training grant program described in subsection (b) and consistent with the recommendations made in such report; and

(9) such other findings and recommendations, including any recommendations for legislation, as the Secretary considers appropriate.

SEC. 511. The Veterans' Administration Medical Center in Phoenix, Arizona, shall after the date of the enactment of this Act be known and designated as the "Carl T. Hayden Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Carl T. Hayden Veterans' Administration Medical Center.

Mr. CHAFEE. Mr. President, I offer this amendment on behalf of the Senator from Alaska, Mr. MURKOWSKI, and the Senator from California, Mr. CRANSTON. The purpose of the amendment is to designate the emergency Veterans' Job Training Act of 1983 as the Veterans' Job Training Act of 1985, extend the program for 1 year, and authorize an appropriation in the amount of $55 million for the additional year's activity.

51-059 O-87-24 (Pt. 24)

Further, Mr. President, the amendment authorizes the Assistant Secretary of Labor for Veterans' Employment and Training to undertake an evaluation of the feasibility and advisability of transferring portions of the Veterans' Job Training Act of 1983 into title IV-C of the Job Training Partnership Act. Finally, the amendment would name the Phoenix, AZ Veterans' Administration Medical Center for a former Member of this body, and an esteemed advocate for our Nation's veterans, Carl T. Hayden.

The basic purpose of this amendment is to permit 1 additional year of training for those qualified veterans of the Korean conflict and Vietnam era who were not able to obtain certification prior to closure of the recruitment period on February 28, 1985, and to find a more appropriate mechanism to address the potential long-term unemployment problems of those classes of veterans for whom the EVJTA was intended.

The Senator from Alaska states that because he believes this Veterans' Job Training Act should be extended a year, he has also supported, and recommended, an additional appropriation of $55 million. Although the appropriation measure passed by the Congress does not include additional funds for the Emergency Veterans' Job Training Act, Senator MURKOWSKI is joined by Senator CRANSTON and Senator DECONCINI in recommending that such funds be appropriated. Senator MURKOWSKI, Senator CRANSTON, and Senator DECONCINI plan to send a letter to the chairman and ranking minority members of the Appropriations Committee and the HUD/Independent Agencies Subcommittee recommending that $55 million be added to the continuing resolution in committee markup. This amount would be sufficient to ensure that eligible veterans would have a final opportunity to benefit from this successful employment program.

Mr. CRANSTON. Mr. President, I rise to support the pending amendment that I am offering with the distinguished chairman, especially the provisions that deal with the Emergency Veterans' Job Training Act of 1983 [EVJTA].

BACKGROUND

Many of the provisions in the amendment were derived from legislation I introduced on October 3, S. 1733, the proposed Veterans' Job Training Amendments of 1985. Joining with me as cosponsors of that measure—which was designed to extend, make improvements in, and authorize the appropriation of additional funds for the Emergency Veterans' Job Training Act of 1983 [EVJTA], Public Law 98-77—are the distinguished Senator from Massachusetts (Mr. KERRY), as well as three of my fellow Members on the Veterans' Affairs Committee, the distinguished Senators from Hawaii (Mr. MATSUNAGA), Arizona (Mr. DECONCINI), and West Virginia (Mr. ROCKEFELLER).

As the original Senate author of Public Law 98-77—along with the distinguished former chairman of our committee (Mr. SIMPSON)—and of the extension of the program enacted last year in Public Law 98-543, I am intensely interested in this job training program. Indeed, on July 30, I joined with the distinguished chairman of the Committee (Mr. MURKOWSKI) in offering an amendment that was approved by the Senate in the veterans' health bill—S. 876—to extend the period of time that veterans have to enter training under this job training program. A provision derived from our amendment that would extend that period until July 1, 1986, was incorporated into S. 1671, which was signed into law on Monday, September 30, as Public Law 99-108.

Mr. President, EVJTA originally authorized the appropriation of $150 million for each of 2 fiscal years—1984 and 1985. However, only $150 million was appropriated for fiscal year 1984—approximately $142 million of which has been available for the implementation of the job training program itself. At the present time, about $16 million remains unobligated under the program; however, to the extent veterans discontinue training, that amount will increase.

The program provides cash incentives to employers to hire and train certain long-term unemployed Vietnam-era and Korean-conflict veterans. It has at the present time expired in one respect. The period during which veterans could apply for participation in an EVJTA job training position expired on February 28, 1985. However, as I noted, the period during which veterans who have been certified as eligible for the program may enter training, which had expired on September 1, 1985, has very recently been extended to July 1, 1986, by virtue of the enactment of S. 1671.

According to a recent evaluation of the EVJTA Program—carried out under contract with and released by the VA—more than 27,000 veterans have enrolled in training under the program with more than two-thirds receiving training in structural work occupations, machine trades, and professional, technical, and managerial positions. Those who completed the program had an average hourly wage of $6.77. The completion rate for veterans who entered training under the program was estimated to be 44 percent and the direct cost of training per participant, $3,000.

During the Senate's consideration of S. 876 on July 30, the distinguished Senator from Massachusetts (Mr. KERRY) raised the issue of further extending and expanding the EVJTA Program, and the chairman and I expressed certain reservations about proceeding with extension legislation at that time. Our remarks appeared in the RECORD for July 30, 1985, beginning on page S10395. The result was an agreement which led to the committee's September 12 hearing on the program at which Senator KERRY testified very movingly and persuasively. All testimony, except for that of the administration, urged extension of the EVJTA Program. After careful consideration of the issues raised at that hearing, I have concluded that more can and should be done under EVJTA but that certain program improvements are called for before we provide further funding.

Thus, the measure which I introduced on October 3 would reopen the program for new applications by eligible veterans and would also make a number of improvements in the program designed to overcome program weaknesses revealed by our hearings and the VA program evaluation—especially the high veteran drop-out rate—and to take into account employers' general satisfaction with the program.

On October 24, the distinguished chairman introduced S. 1788, the proposed Veterans' Benefits and Improvements Act of 1985, which contained his proposal for an extension of the program. We have worked together closely in developing the provisions that our amendment would add to the pending measure for the following purposes:

PROVISIONS OF AMENDMENT: AUTHORIZATION OF APPROPRIATION

First, Mr. President, the provisions would authorize the appropriation of $55 million for fiscal year 1986—to remain available through fiscal year 1988—for the EVJTA Program. This amount, when added to the President's fiscal year 1986 budget estimate for fiscal year 1986 outlays for the program, $35 million, equals approximately the amount estimated in that budget for fiscal year 1985 outlays under EVJTA, $88 million.

REOPENING OF PERIOD FOR APPLICATIONS

Second, our amendment—effective on the date on which new appropriations are made available to the VA for the program or February 1, 1986, whichever occurs later—would provide an additional year for veterans to apply for participation in the program and an additional 18 months for veterans to enter into EVJTA job training programs.

One of the concerns I raised during the Senate's consideration of S. 876 and at the committee's hearings on September 12 was that a reopening of the program to new applicants would have the effect of causing those veterans already in the EVJTA pipeline who had not yet been placed in training—principally because they were

more difficult to place—to be bypassed by VA and Department of Labor personnel involved with implementation of the program, including disabled veteran outreach specialists and local veterans' employment representatives, and by employers who would focus on veterans who are easier to place and more job ready. As I previously noted, under current law, veterans were required to apply for participation in the EVJTA Program by February 28, 1985, and, by virtue of the enactment of Public Law 99-108, have until July 1, 1986, to enter training. Setting the effective date of the reopening of the program at the later of the date of the new appropriation or February 1, as our proposal would do, coupled with permitting entry into EVJTA training by veterans who had certifications of eligibility but who have not yet been placed, would provide the VA and the Department of Labor with a period of time to focus their efforts on assisting those veterans who are likely to be the most in need of employment assistance—those who are not job-ready and who have hard-core unemployment difficulties.

Mr. President, it should be noted that those veterans who have been certified for the program, who are still unemployed, and who have not yet been placed in training under EVJTA are quite likely to have special problems in obtaining and retaining employment. Not surprisingly, the VA's evaluation of the program found that employers tended to select the most employable among the veterans certified for program participation. Thus, I believe strongly that the VA and the Department of Labor need to strengthen their efforts to assist veterans under EVJTA during the recently enacted extension and will need to explore ways to provide special types of assistance, particularly in the area of employment counseling, to reduce the disturbingly high noncompletion rate. I have strongly urged both agencies to do a better job in this area.

Indeed, during an October 3 hearing of the Veterans' Affairs Committee, I recommended to the VA's Chief Benefits Director, John Vogel, that the VA send a letter to all certified veterans who had not yet been placed in training positions under EVJTA advising them that the act has been reopened and urging them, if they are still interested in the program, to contact the VA or the Department of Labor for assistance. Such an initiative was carried out and completed by the end of October.

COUNSELING AND CASE MANAGEMENT

Third, S. 1887 as amended would respond to the unacceptably high dropout rate for veterans placed in training positions by requiring the VA and the Labor Department—who share joint responsibility for implementation of the program—to provide two new support activities: First, counseling services designed to resolve difficulties encountered by veterans during EVJTA training, and, second, the assignment of a case manager to each veteran placed in an EVJTA training position and the maintenance by the case manager of periodic contact with the veteran in order to facilitate the successful completion of training.

In carrying out the first new activity, the VA and the Labor Department would be required to advise all veterans and employers participating in EVJTA of the availability of the counseling service and to encourage them to request appropriate services whenever necessary. In addition, in order to offer additional assistance to veterans of the Vietnam era, the VA would be required to advise each veteran newly placed in training of the supportive services available through the VA—including through the VA's Vet Center Program—and through other appropriate agencies in the community.

In connection with the second activity, I want to point out that the case manager assigned to each veteran need not be, in each case, a trained or professional counselor. Rather, our proposal would envision that the type of case manager assigned to an individual veteran would be based on the particular needs of that veteran. For example, a veteran with no apparent, serious complicating problem or record of job difficulties—other than protracted unemployment—could be assigned a VA veterans' benefits counselor as a case manager, and throughout the training period that counselor would be required to maintain contact with the veteran and the employer by making telephone contact with the veteran and the employer periodically to ensure that no unforeseen problems had developed. On the other hand, a veteran who is in need of extensive job-readiness assistance might be assigned as a case manager a disabled veteran outreach specialist [DVOP] who would maintain much more extensive contact, including periodic personal meetings, with the veteran during the training period. A Vietnam veteran with a history of apparent readjustment problems could be assigned a counselor from a VA vet center as his or her case manager. Also, of course, if a case manager discovered that a veteran needed more counseling than that case manager could provide, referral could be made to a counselor with the skills and experience needed to help the veteran.

The provisions of S. 1887 as amended would generally leave to the discretion of the VA and the Department of Labor the development of a mechanism for implementing this approach and for determining how their personnel resources may best be used. The VA has more than 1,030 veterans' benefits counselors, 425 vocational rehabilitation counselors and specialists, and 221 professional counselors and at its 189 vet centers approximately 350 other counseling personnel, and the Department of Labor has the resources of more than 3,300 DVOP's and local veterans' employment representatives that could be assigned responsibilities for implementing this requirement. This is a pool of talent of over 5,300 counselors from which case managers can be drawn. In this connection, I am also pleased to note that the Department of Labor has already taken steps to develop a case-manager approach with respect to veterans placed in training.

MODIFICATION OF PAYMENT AMOUNTS

Fourth, Mr. President, in light of the finding in the above mentioned study that most employers who had hired veterans through the EVJTA Program reported that they were pleased with the program and would have hired the veteran with or without the possibility of receiving a wage subsidy, our proposal would modify the basis on which the amount of the EVJTA subsidy is based.

Under current law, payments are limited to 50 percent of the starting wages paid to the veteran for the entire training period, up to a maximum of $10,000. Maximum training periods are 15 months in the case of service-connected disabled veterans and 9 months in the case of all other eligible veterans.

Under our legislation, effective with respect to veterans hired after January 31, the payments to employers would be determined based on 50 percent of the starting wages paid to the veterans during the first 3 months of the training period and 30 percent of the actual wages paid during the fourth and any succeeding months of training. I believe this approach would be more desirable than current law in a number of respects. It would still provide an attractive, marketable incentive to employers but would recognize the fact that after 3 months on the job an employee is likely to be making contributions to the employer's production levels. Also, the provision in the amendment that payments in the fourth and succeeding months are to be based on actual, as opposed to starting, wages would give the employer more incentive to raise the salary of a veteran trainee. Our approach would also stretch funds that are available under EVJTA to serve more veterans. Finally, since most participating employers surveyed have indicated general satisfaction with the program and many employers have become familiar with EVJTA, this somewhat lower incentive should not reduce employer participation appreciably.

Finally, Mr. President, our amendment would change the name of the

program to the Veterans' Job Training Act.

COORDINATION WITH VOCATIONAL REHABILITATION PROGRAMS FOR SERVICE-CONNECTED DISABLED VETERANS

In addition to these improvements in the EVJTA authority, S. 1887 as amended by our amendment contains another provision derived from my proposal contained in S. 1733. With respect to the VA's program of vocational rehabilitation for service-connected disabled veterans under chapter 31 of title 38, the VA would be required—for the benefit of participants in that program who are eligible to have payments made to employers on their behalf, pursuant to section 1516(b) of title 38—to take all feasible steps, utilizing such section 1516(b) payments, to establish and encourage the development of training opportunities that are consistent with the provisions of EVJTA.

The VA's chapter 31 vocational rehabilitation program is designed to assist service-connected disabled veterans who have employment handicaps to become employable and to obtain and maintain suitable employment. Under the section 1516(b) authority, the Administrator, when necessary to obtain needed training or begin employment, may make payments to employers for providing on-job training to veterans who have been rehabilitated to the point of employability. Pursuant to this authority, the VA has established a special employer incentives program to facilitate the placement of veterans who are generally qualified for suitable employment but who lack work experience required by an employer or who are difficult to place due to their disabilities. Under this program, an employer who hires an eligible veteran in an approved training position may be reimbursed for the direct expenses of hiring the veteran, up to one-half of the wages paid to the veteran.

Under our amendment, the Administrator would be required to utilize EVJTA-approved job training programs under this segment of the VA's vocational rehabilitation program and to ensure that, in the case of a veteran who is eligible for participation in both programs, maximum efforts are made, consistent with the veteran's best interests, to utilize the title 38 authority. In this manner, the VA would be able to use for the benefit of VA chapter 31 vocational rehabilitation trainees, a program—EVJTA—with which employers are already familiar and to make maximum use of title 38 benefits in lieu of limited EVJTA funds.

CONCLUSION

Mr. President, before closing, I want to take this opportunity to note the leadership and commitment of the distinguished Senator from Massachusetts [Mr. KERRY] in the development of this proposal. As I previously noted, he first raised this issue in July and has been a vital participant in developing this initiative. His very effective testimony before the committee on September 13 was a powerful factor leading to our action in proposing this measure today. I am deeply indebted to him for his assistance and cooperation.

I also want to note at this time that, although an authorization of fiscal year 1986 appropriations has not yet been enacted, it very likely will be in the near future. On May 20, the House of Representatives passed legislation, in H.R. 1408, authorizing the appropriation of $75 million for EVJTA for fiscal year 1986. With the Senate's approval of this amendment, we can anticipate enactment of some form of an extension of the program in the very near future.

Thus, Senator DECONCINI, the distinguished Senator from Arizona, who serves on both the Veterans' Affairs Committee and the Appropriations Committee, has joined with the chairman and me in an effort to appropriate additional funds for the program in the continuing resolution that will be considered by the Appropriations Committee very shortly—probably on Thursday of this week. Senator DECONCINI plans to offer an amendment in committee to ensure that when the program reopens on February 1, 1986, the additional appropriations that this amendment would authorize are made in order to serve the veterans for whom it is designed. The three of us have thus today written to the distinguished chairmen and ranking minority members of the full committee, as well as the Subcommittee on HUD-Independent Agencies Appropriations, advising them of this initiative and requesting their continued support.

Mr. President, so that all Members will have an opportunity to be fully aware of this undertaking, I ask unanimous consent that a copy of our letter and summary be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, December 2, 1985.

Hon. MARK O. HATFIELD,
Chairman,

Hon. JOHN C. STENNIS,
Ranking Minority Member, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. JAKE GARN,
Chairman,

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Subcommittee on HUD-Independent Agencies.

DEAR MARK, JOHN, JAKE, and PAT: We are writing to urge that the Appropriations Committee include in the second continuing resolution for FY 1986 an appropriation of $55 million for continued operations under the Emergency Veterans Job Training Act of 1983 (EVJTA).

The EVJTA program provides cash incentives to employers to hire and train certain long-term unemployed Vietnam-era and Korean-conflict veterans. Program authority has at the present time expired in one respect; the period during which veterans could apply for participation expired on February 28, 1985. However, the period during which veterans who have applied and been certified eligible for the program may enter training, which had expired on September 1, 1985, was extended to July 1, 1986, by Public Law 99-108. The program presently has a carryover balance (from the $150 million originally appropriated for the program in the Fall of 1984) of some $15-20 million which is being used to place those previously certified eligible veterans.

More than 36,000 veterans have entered into training under EVJTA. According to a recent evaluation of the program—carried out under contract with the Veterans' Administration—those who completed the program had an average hourly wage of $6.77; the completion rate for veterans who entered training under the program was estimated to be 44 percent; and the direct cost of training per participant was estimated to be $3,000.

Although an authorization of FY 1986 appropriations has not yet been enacted, it very likely will be in the near future. On May 20, the House of Representatives passed legislation, in H.R. 1408, authorizing the appropriation of $75 million for EVJTA in FY 1986.

Today, the Senate approved an amendment to S. 1887, the proposed "Veterans' Compensation and Benefits Improvements Act of 1985" offered by the Chairman and the Ranking Minority Member of the Committee on Veterans' Affairs that includes an FY 1986 authorization level of $55 million and certain EVJTA program improvements in order to deal with the weaknesses outlined in the EVJTA program evaluation (these program improvements are described in the enclosure). The legislation would also generally provide for reopening the program for new applications for eligible veterans for a one-year period beginning February 1, 1986, and would extend the ending date of the period for entering training to July 31, 1987. Thus, we anticipate enactment of some form of an extension of the program in the very near future.

Making available the additional funds in this continuing resolution would ensure that, when the program reopens on February 1, 1986, sufficient resources are available to serve the veterans it is designed to assist but that the additional funding would be utilized only in accordance with the program improvements which we anticipate will be enacted this year.

We appreciate your past support of EVJTA, and ask for your support of the amendment that Senator DeConcini plans to offer during the continuing resolution markup. That amendment would expressly condition the additional appropriation on the enactment of authorizing legislation. If you have any questions regarding this letter, please have a member of your staff call Mary Hawkins at 44521, Babette Polzer at 42074, or Chris Yoder at 49126.

With warm personal regards,

Cordially,

FRANK MURKOWSKI,
Chairman, Committee on Veterans' Affairs;

DENNIS DECONCINI,
Member, Committees on Veterans' Affairs and Appropriations;
ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs.

SUMMARY OF PROVISIONS OF AMENDMENT RELATING TO THE EMERGENCY VETERANS' JOB TRAINING ACT

The provisions of this amendment, offered by Senators Murkowski and Cranston, the Chairman and Ranking Minority Member of the Senate Veterans' Affairs Committee, would amend the Emergency Veterans Job Training Act of 1983 (EVJTA) to:

1. Change the name of the Act to the "Veterans' Job Training Act".

2. Authorize the appropriation of $55 million for fiscal year 1986 (to remain available through fiscal year 1988) for the program.

3. Provide an additional period, effective on February 1, 1986, for veterans to apply for participation in the program (until January 31, 1987) and an additional period (until July 31, 1987) for veterans to enter into training programs under the Act. In the event that funds were not appropriated and made available to the VA for the program by that date, these periods would be "tolled" until such time as funds are made available.

(Under current law, the period for application closed on February 28, 1985 and the period for entering training closes on July 1, 1986.)

4. Require, effective on the date of enactment, the VA and the Department of Labor jointly to provide:

(A) A program of counseling services designed to resolve difficulties encountered by veterans during training and to advise all veterans and employers of the availability of such services and encourage them to request services whenever appropriate.

(B) A program under which a case manager is assigned to each veteran placed in a training position through which periodic contact is maintained with the veteran so as to facilitate the veteran's successful completion of training.

5. Require, effective on the date of enactment, the VA to advise each veteran placed in a training program of the supportive services available through the VA (including through the VA's Vet Center program) and through other appropriate agencies in the community.

6. Provide that, with respect to payments made to employers on behalf of veterans who enter training after January 31, 1986, the amount of the payments will be based on——

(A) Fifty percent of the starting wages paid to the veterans during the first 3 months of the training period; and

(B) Thirty percent of the actual wages paid to the veterans during the remainder of the training.

(Under current law, payments are limited to 50 percent of the starting wages paid to the veterans for the entire training period, up to a maximum of $10,000. Maximum training periods are 15 months in the case of service-connected disabled veterans and 9 months in the case of all other eligible veterans.)

Mr. CHAFEE. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1169) was agreed to.

Mr. KERRY. Mr. President, I am very pleased that this body will today pass an extension of the Veterans' Job Training Act originally entitled the Emergency Veterans' Job Training Act of 1983.

This extension has been developed by the chairman and ranking Democratic member of the Senate Committee on Veterans' Affairs, Senator MURKOWSKI and Senator CRANSTON. It adopts many aspects of the legislation I originally filed last April, on behalf of Senator PRESSLER and myself, the Veterans' Career Development Training and Job Bank Act, S. 1033, which was subsequently cosponsored by Senators HARKIN, KENNEDY, MATSUNAGA, DURENBERGER, RIEGLE, LEVIN, and ROCKEFELLER. In addition it adds improvements to the EVJTA developed by Senators MURKOWSKI and CRANSTON, and I congratulate both of them and the majority and minority staffs of the Committee on Veterans' Affairs for a job well, done.

This legislation will help meet the commitment President Reagan made to helping veterans get jobs when he signed the Emergency Veterans' Job Training Act into law just 2 years ago.

At that time he stated: "The Nation has a special commitment to those who have served in the military. That commitment includes not only our continuing respect, but practical assistance as well. * * * They did their best for us; now we must do our best for them."

We must not forget that those who served their country lost critical career opportunities obtained by their nonveteran peers. Statistics tell only a small part of that story—anyone who knows Vietnam veterans knows there are too many of them still deeply suffering from the aftereffects of that terrible conflict.

So I am pleased that we are continuing to provide this job training service to the veterans who need it, regardless of whether the situation is currently an "emergency," and believe the new name of the program—the Veterans' Job Training Act—is entirely appropriate.

As with EVJTA, the revised Veterans' Job Training Act is designed to be simple, with minimal redtape, and loosely structured. The key to it remains a private-public partnership, under which the Federal Government provides a subsidy in matching funds for the period necessary to give the veteran the skills necessary to hold a higher quality job.

EVJTA was not, in my view, designed to solve the problem of the truly hard-core unemployed veteran who had never held a steady job and who was largely incapable of holding a steady job. As anyone who has worked in the field of employment is aware, counselling and supportive services are absolutely critical to help those who have experienced the most unemployment, and who may lack the most basic skills demanded by a job, such as arriving to work on time.

The additional counselling provisions contained in the revised program, requiring the Department of Labor and the Veterans' Administration to provide counselling services and a case manager assigned to veterans placed in training positions, may now make VJTA better assist these veterans.

Once new certifications begin under this program in February, I anticipate that thousands of veterans will take up the offer to enroll. As the program gears up this time, I hope the Department of Labor and the Veterans' Administration will be in a better position to increase the number of placements of these veterans at the earliest opportunity in the real jobs with a future.

I believe the Department of Labor is already considering instituting improvements in job matching for employment programs, and I hope the committee will work with the Department to investigate further the possible effectiveness of a job bank such as I have proposed in S. 1033.

Finally, I believe the EVJTA has been improved by reducing the period a veteran must be out of work before he or she becomes eligible for VJTA to 10 weeks of unemployment. I recognize that we must be most concerned with those veterans who are truly unable to find work—on the other hand, 15 weeks of being out of a job can be devastating to any individual, and there are substantial savings that can be made in payments of unemployment compensation if a veteran is placed in VJTA more quickly.

In closing let me again note my appreciation to Senator MURKOWSKI and Senator CRANSTON for their willingness to take the time to look carefully at the EVJTA and to develop improvements to the original program. Over the past 6 months, job training for veterans has been given substantial attention and time by the Committee on Veterans' Affairs. Both as a veteran of the Vietnam war and as a Senator, I feel that passage of the Veterans' Job Training Act in this form serves the current needs of our veterans, and I thank the committee chairman and ranking member for their efforts.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES

SECTION 1. (a) This Act may be cited as the "Veterans' Compensation and Benefits Improvements Act of 1985".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

RATE INCREASES

SEC. 101. (a) Section 314 is amended—

(1) by striking out "$66" in subsection (a) and inserting in lieu thereof "$68";

(2) by striking out "$122" in subsection (b) and inserting in lieu thereof "$126";

(3) by striking out "$185" in subsection (c) and inserting in lieu thereof "$191";

(4) by striking out "$266" in subsection (d) and inserting in lieu thereof "$274";

(5) by striking out "$376" in subsection (e) and inserting in lieu thereof "$388";

(6) by striking out "$474" in subsection (f) and inserting in lieu thereof "$489";

(7) by striking out "$598" in subsection (g) and inserting in lieu thereof "$617";

(8) by striking out "$692" in subsection (h) and inserting in lieu thereof "$713";

(9) by striking out "$779" in subsection (i) and inserting in lieu thereof "$803";

(10) by striking out "$1,295" in subsection (j) and inserting in lieu thereof "$1,335";

(11) by striking out "$1,609" and "$2,255" in subsection (k) and inserting in lieu thereof "$1,659" and "$2,325", respectively;

(12) by striking out "$1,609" in subsection (l) and inserting in lieu thereof "$1,659";

(13) by striking out "$1,774" in subsection (m) and inserting in lieu thereof "$1,829";

(14) by striking out "$2,017" in subsection (n) and inserting in lieu thereof "$2,080";

(15) by striking out "$2,255" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,325";

(16) by striking out "$968" and "$1,442" in subsection (r) and inserting in lieu thereof "$998" and "$1,487", respectively;

(17) by striking out "$1,449" in subsection (s) and inserting in lieu thereof "$1,494"; and

(18) by striking out "$280" in subsection (t) and inserting in lieu thereof "$289".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(1) is amended—

(1) by striking out "$79" in clause (A) and inserting in lieu thereof "$81";

(2) by striking out "$132" and "$42" in clause (B) and inserting in lieu thereof "$136" and "$43", respectively;

(3) by striking out "$54" and "$42" in clause (C) and inserting in lieu thereof "$56" and "$43", respectively;

(4) by striking out "$64" in clause (D) and inserting in lieu thereof "$66";

(5) by striking out "$143" in clause (E) and inserting in lieu thereof "$147"; and

(6) by striking out "$120" in clause (F) and inserting in lieu thereof "$124".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. Section 362 is amended by striking out "$349" and inserting in lieu thereof "$360".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

SEC. 104. Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$491	W-4	$703
E-2	505	O-1	621
E-3	518	O-2	640
E-4	552	O-3	686
E-5	566	O-4	725
E-6	578	O-5	799
E-7	607	O-6	900
E-8	640	O-7	973
E-9	[1] 669	O-8	1,067
W-1	621	O-9	1,145
W-2	645	O-10	[2] 1,255
W-3	664		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $722.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,345.";

(2) by striking out "$55" in subsection (b) and inserting in lieu thereof "$57";

(3) by striking out "$143" in subsection (c) and inserting in lieu thereof "$147"; and

(4) by striking out "$70" in subsection (d) and inserting in lieu thereof "$72".

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended—

(1) by striking out "$240" in clause (1) and inserting in lieu thereof "$247";

(2) by striking out "$345" in clause (2) and inserting in lieu thereof "$356";

(3) by striking out "$446" in clause (3) and inserting in lieu thereof "$460"; and

(4) by striking out "$446" and "$90" in clause (4) and inserting in lieu thereof "$460" and "$93", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended—

(1) by striking out "$143" in subsection (a) and inserting in lieu thereof "$147";

(2) by striking out "$240" in subsection (b) and inserting in lieu thereof "$247"; and

(3) by striking out "$122" in subsection (c) and inserting in lieu thereof "$126".

EFFECTIVE DATE

SEC. 107. The amendments made by this title shall take effect on December 1, 1985.

SENSE OF THE CONGRESS REGARDING MAINTAINING THE TAX-EXEMPT STATUS OF DISABILITY COMPENSATION

SEC. 108. It is the sense of the Congress that any payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

TITLE II—EDUCATIONAL ASSISTANCE PROGRAM IMPROVEMENTS

APPRENTICESHIP AND ON-JOB TRAINING UNDER THE NEW GI BILL

SEC. 201. (a) Section 1402 is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) The term 'program of education' (A) has the meaning given such term in section 1652(b) of this title, and (B) includes a full-time program of apprenticeship or other on-job training approved as provided in clause (1) or (2), as appropriate, of section 1787(a) of this title."; and

(2) by adding at the end the following new paragraph:

"(7) The term 'training establishment' has the meaning given such term in section 1652(e) of this title.".

(b)(1) Section 1432 is amended by adding at the end the following new subsection:

"(c)(1) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the individual shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(2)(A) The amount of the monthly educational assistance allowance for an individual pursuing a full-time program of apprenticeship or other on-job training under this chapter shall be reduced by 50 percent for months following the twelfth month of the individual's pursuit of such program.

"(B) An individual's entitlement under this chapter shall be charged at the rate of one-half month for each month that the individual is paid a monthly educational assistance allowance as reduced under subparagraph (A) of this paragraph.".

(2) The heading of such section is amended to read as follows:

"§ 1432. Limitations on educational assistance for certain individuals".

(3) The item relating to such section in the table of sections at the beginning of chapter 30 is amended to read as follows:

"1432. Limitations on educational assistance for certain individuals.".

(c) Section 1434 is amended—

(1) in subsection (a), by striking out the parenthetical matter in the first sentence and inserting in lieu thereof "(with the exception of section 1787)"; and

(2) in subsection (b)(2), by inserting "or training establishment, as the case may be," after "educational institution".

ADJUSTMENT OF DELIMITING PERIOD FOR INDIVIDUALS ENTITLED TO CERTAIN COMBINED BENEFITS

SEC. 202. (a) Section 1411(a)(1)(B) is amended by inserting "and was on active duty on October 19, 1984, and without a break in service since October 19, 1984," after "title".

(b) Section 1412(a)(1)(B) is amended by inserting "and was on active duty on October 19, 1984, and without a break in service since October 19, 1984," after "title".

(c) Section 1431 is amended—

(1) by striking out "(d)" in subsection (a) and inserting in lieu thereof "(e)";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e);

"(e) In the case of an individual described in section 1411(a)(1)(B) or 1412(a)(1)(B) of this title who is entitled to basic educational assistance under this chapter, the 10-year period prescribed in subsection (a) of this section shall be reduced by an amount of time equal to the amount of time that such individual was not serving on active duty during the period beginning on January 1, 1977, and ending on October 18, 1984.".

EDUCATIONAL ASSISTANCE FOR CORRESPONDENCE COURSES UNDER THE NEW GI BILL

SEC. 203. Section 1434 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) When an eligible individual is pursuing a program of education under this chapter by correspondence, the individual's entitlement under this chapter shall be charged at the rate of 1 month's entitlement for each month of benefits paid to the individual.".

RESPONSIBILITIES OF THE ADVISORY COMMITTEE ON EDUCATION

SEC. 204. Section 1792 is amended—

(1) in subsection (a), by inserting "30," after "chapter"; and

(2) in subsection (b), by inserting "30," after "chapters".

WORK-STUDY ALLOWANCE UNDER THE NEW GI BILL AND THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

SEC. 205. (a) The first sentence of section 1434(a) is amended by striking out "and 1683" and inserting in lieu thereof "1683, and 1685".

(b) Section 1641 is amended by inserting "1685," after "1683,".

(c) The first sentence of section 1685(b) is amended by striking out "education or training under chapters 31 and 34" and inserting in lieu thereof "rehabilitation, education, or training under chapter 30, 31, 32, or 34".

ON-JOB TRAINING UNDER THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

SEC. 206. (a) Section 1602 is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The term 'program of education' (A) has the meaning given such term in section 1652(b) of this title, and (B) includes a full-time program of apprenticeship or other on-job training approved as provided in clause (1) or (2), as appropriate, of section 1787(a) of this title."; and

(2) by adding at the end the following new paragraphs:

"(4) The term 'educational institution' has the meaning given such term in section 1652(c) of this title.

"(5) The term 'training establishment' has the meaning given such term in section 1652(e) of this title.".

(b) Section 1631(a)(2) is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 1633 of this title and subject to section 1641 of this title, the".

(c)(1) Subchapter III of chapter 32 is amended by adding at the end the following new section:

"§ 1633. Apprenticeship or other on-job training

"(a)(1) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the individual shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(2)(A) The amount of the monthly benefit payment to an individual pursuing a full-time program of apprenticeship or of other on-job training under this chapter shall be reduced by 50 percent for months following the twelfth month of the individual's pursuit of such program.

"(B) An individual's entitlement under this chapter shall be charged at the rate of one-half month for each month that the individual is paid a monthly benefit as reduced under subparagraph (A) of this paragraph.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1632 the following new item:

"1633. Apprenticeship or other on-job training.".

(d) Section 1641 is amended—

(1) by inserting "(a)" before "The";

(2) by striking out "sections 1777, 1780(c), and 1787) shall be applicable to the program." and inserting in lieu thereof "section 1787) shall be applicable with respect to individuals who are pursuing programs of education or training while serving on active duty."; and

(3) by adding at the end the following new subsection:

"(b) The provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1683, and 1691(a)(1) of this title and the provisions of chapter 36 of this title (with the exception of section 1787) shall be applicable with respect to individuals who are pursuing programs of education or training following discharge or release from active duty.".

DURATION AND LIMITATIONS ON ENTITLEMENT TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

SEC. 207. Section 1632 is amended to read as follows:

"(a)(1) Except as provided in paragraphs (2) and (3) of this subsection, educational assistance benefits shall not be afforded an eligible veteran under this chapter more than 10 years after the date of such veteran's last discharge or release from active duty.

"(2)(A) If any eligible veteran was prevented from initiating or completing such veteran's chosen program of education during the delimiting period determined under paragraph (1) of this subsection because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application made in accordance with subparagraph (B) of this paragraph, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education.

"(B) An extension of the delimiting period applicable to an eligible veteran may be granted under subparagraph (A) of this paragraph by reason of the veteran's mental or physical disability only if the veteran submits an application for such extension to the Administrator within 1 year after (i) the last date of the delimiting period otherwise applicable to the veteran under paragraph (1) of this subsection, or (ii) the termination date of the period of the veteran's mental or physical disability, whichever is later.

"(3) When an extension of the applicable delimiting period is granted an eligible veteran under paragraph (2) of this subsection, the delimiting period with respect to such veteran shall again begin to run on the first day after such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations prescribed by the Administrator, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

"(b)(1) In the event that an eligible veteran has not utilized any or all of such veteran's entitlement by the end of the delimiting period applicable to the veteran under subsection (a) of this section, such eligible veteran is automatically disenrolled.

"(2)(A) Any contributions which were made by a veteran disenrolled under paragraph (1) of this subsection and remain in the fund shall be refunded to the veteran after notice of disenrollment is transmitted to the veteran and the veteran applies for such refund.

"(B) If an application for refund of contributions under subparagraph (A) of this paragraph is received from a disenrolled veteran within 1 year after the date the notice referred to in such subparagraph is transmitted to the veteran, it shall be presumed, for the purposes of section 1322(a) of title 31, that the veteran's whereabouts is unknown and the funds shall be transferred as provided in such section.".

EDUCATIONAL AND VOCATIONAL COUNSELING

SEC. 208. Section 1663 is amended by inserting after the first sentence the following: "In any case in which the Administrator has rated the veteran as being incompetent, such counseling shall be required to be provided to the veteran prior to the selection of a program of education or training.".

DELIMITING PERIOD UNDER THE SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

SEC. 209. Section 1712(b) is amended by adding at the end the following new paragraph (3):

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any eligible person (as defined in clause (B), (C), or (D) of section 1701(a)(1) of this title) may, subject to the approval of the Administrator, be permitted to elect a date referred to in subparagraph (B) of this paragraph to commence receiving educational assistance benefits under this chapter. The date so elected shall be the beginning date of the delimiting period applicable to such person under this section.

"(B) The date which an eligible person may elect under subparagraph (A) of this paragraph is any date during the period beginning on the date the person became an eligible person within the meaning of clause (B), (C), or (D) of section 1701(a)(1) of this title and ending on the date determined under subparagraph (A), (B), or (C) of paragraph (1) of this subsection to be applicable to such person.".

ELIMINATION OF THE REQUIREMENT FOR AN EDUCATION PLAN FOR SURVIVORS AND DEPENDENTS

SEC. 210. (a) Section 1720 is amended to read as follows:

"§ 1720. Educational and vocational counseling.

"The Administrator may, upon request, arrange for educational or vocational counseling for persons eligible for benefits under this chapter to assist such persons in selecting their educational, vocational, or professional objectives and in developing their programs of education.".

(b)(1) Section 1721 is amended—

(A) by striking out "finally";

(B) by striking out clause (1); and

(C) by redesignating clauses (2), (3), (4), and (5) as clauses (1), (2), (3), and (4), respectively.

(2) The catchline of such section is amended to read as follows:

"§ 1721. Approval of application".

(c) The items relating to sections 1720 and 1721 in the table of sections at the beginning of chapter 35 are amended to read as follows:

"1720. Educational and vocational counseling.

"1721. Approval of application.".

MEASUREMENT OF CERTAIN NONCOLLEGE DEGREE COURSES

SEC. 211. (a)(1) Section 1780(a) is amended—

(A) in clause (1), by inserting a comma and "or a course that meets the requirements of section 1788(a)(7) of this title," after "degree"; and

(B) in clause (2), by inserting "courses that meet the requirements of section 1788(a)(7) of this title and" after "excluding".

(2) Section 1788 is amended—

(1) in subsection (a)—

(A) by striking out "and" at the end of clause (5);

(B) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and "and"; and

(C) by inserting after clause (6) the following new clause:

"(7) an institutional course not leading to a standard college degree, offered by an institution of higher learning in residence on a standard quarter- or semester-hour basis, shall be measured as full time on the same basis as provided in clause (4) of this subsection if (A) such course is approved pursuant to section 1775 of this title, and (B) a majority of the total credits required for the course is derived from unit courses or subjects offered by the institution as part of a course, so approved, leading to a standard college degree."; and

(2) in subsection (c), by striking out "(4)".

(b) Section 1788 is amended by inserting at the end the following new subsection:

"(e) For the purpose of determining whether a course—

"(1) which is offered by an institution of higher learning, and

"(2) for which such institution requires one or more unit courses or subjects for which credit is granted toward a standard college degree

will, during the semester (or quarter or other applicable portion of the academic year) when such unit course or subject is being pursued, be considered full time under clause (1) or (2) of subsection (a) of this section, each of the numbers of hours specified in such clause shall be deemed to be reduced, during such semester (or other portion of the academic year), by the percentage described in the following sentence and rounded as the Administrator may prescribe. Such percentage is the percentage that the number of semester hours (or the equivalent thereof) represented by such unit course or subject is of the number of semester hours (or the equivalent thereof) which, under clause (4) of such subsection, constitutes a full-time institutional undergraduate course at such institution."

PAYMENT OF EDUCATIONAL ASSISTANCE FOR CERTAIN LESS-THAN-HALF-TIME TRAINING

SEC. 212. The first sentence of section 1780(f) is amended by striking out "during" and inserting in lieu thereof "not later than the last day of".

PROHIBITION ON BENEFITS UNDER MORE THAN ONE EDUCATIONAL ASSISTANCE PROGRAM

SEC. 213. Section 1781(b) is amended by striking out "for the pursuit of the same program of education".

REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS

SEC. 214. Section 1784(a) is amended—

(1) by striking out "(a) The" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2) of this subsection, the"; and

(2) by adding at the end the following new paragraph (2):

"(2) In the case of a program of independent study pursued on less than a half-time basis in an educational institution, the Administrator may approve a delay by the educational institution in reporting the enrollment or reenrollment of an eligible veteran or eligible person until the end of the term, quarter, or semester if the educational institution requests the delay and the Administrator determines that it is not feasible for the educational institution to monitor interruption or termination of the veteran's or eligible person's pursuit of such program.".

PROHIBITION OF A TERM-BY-TERM CERTIFICATION REQUIREMENT

SEC. 215. Section 1784(a) (as amended by section 214 of this Act) is further amended by adding at the end the following new paragraph (3):

"(3)(A) Subject to subparagraph (B), an educational institution offering courses on a term, quarter, or semester basis may certify the enrollment of a veteran who is not on active duty or an eligible person in such courses for more than one term, quarter, or semester at a time, but not for a period extending beyond the end of a school year (including the summer enrollment period).

"(B) Subparagraph (A) of this paragraph shall not apply with respect to any term, quarter, or semester for which the veteran or eligible person is enrolled on a less than half-time basis and shall not be construed as restricting the Administrator from requiring that an educational institution, in reporting an enrollment for more than one term, quarter, or semester, specify the dates of any intervals within or between any such terms, quarters, or semesters.".

COMMISSION TO ASSESS VETERANS' EDUCATION POLICY

SEC. 216. (a)(1) There is established a Commission on Veterans' Education Policy (hereafter in this section referred to as the "Commission").

(2)(A) The Commission shall consist of 11 members, 10 of whom shall be appointed by the Administrator of Veterans' Affairs in consultation with the chairmen and the ranking minority members of the Committees on Veterans' Affairs of the Senate and of the House of Representatives (hereafter in this section referred to as "the Committees"), and 1 of whom shall be the Chairman of the Advisory Committee on Education established under section 1792 of title 38, United States Code.

(B) The members of the Commission (i) shall be broadly representative of entities engaged in providing education and training and of veterans' service organizations, and (ii) shall be selected on the basis of their knowledge of and experience in education and training policy and the implementation of such policy with respect to programs of assistance administered by the Veterans' Administration.

(3) The Administrator of Veterans' Affairs, the ex officio members of the Advisory Committee on Education referred to in paragraph (2)(A), and the chairmen and ranking minority members of the Committees, or a designee of any such individual, shall be ex officio, nonvoting members of the Commission.

(4)(A) The Administrator shall designate a member from among the voting members of the Commission to chair the Commission.

(B) The chairperson of the Commission, with the concurrence of the Commission, shall appoint an executive director, who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Commission.

(C) The Administrator shall furnish the Commission with such professional, technical, and clerical staff and services as the Commission determines necessary for the Commission to carry out the provisions of this section effectively.

(b)(1) Not later than 18 months after the date on which at least 8 members of the Commission have been appointed, the Commission shall submit a report on the Commission's findings and recommendations on the matters described in paragraph (2) of this subsection to the Administrator and the Committees.

(2) The report required by paragraph (1) shall include the Commission's findings, views, and recommendations on the following matters:

(A) The need for distinctions between certificate-granting courses and degree-granting courses.

(B) The measurement of courses for the purposes of payment of educational assistance benefits.

(C) The vocational value of courses offered through home study.

(D) The role of innovative and nontraditional programs of education and the manner in which such programs should be treated for purposes of payment of educational assistance benefits by the Veterans' Administration.

(E) Such other matters relating to administration of chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, by the Veterans' Administration as (i) the Commission considers appropriate or necessary, or (ii) are suggested by the Administrator or, concurrently, by the chairmen and ranking minority members of the Committees.

(c)(1) Not later than 6 months after the date on which the report is submitted under subsection (b), the Administrator shall submit an interim report to the Committees. The interim report shall contain—

(A) the Administrator's views on the desirability, feasibility, and cost of implementing each of the Commission's recommendations, and the actions taken or planned with respect to the implementation of such recommendations;

(B)(i) the Administrator's views on any legislation or regulations proposed by the Commission, (ii) the Administrator's views on the need for any alternative or additional legislation or regulations to implement the Commission's recommendations, (iii) the Administrator's recommendations for any such alternative or additional legislation, (iv) the proposed text of any regulations referred to in subclause (i) or (ii) which the Administrator considers necessary and the

proposed text of any legislation referred to in such subclause which is recommended by the Administrator, and (v) a cost estimate for the implementation of any regulations and legislation referred to in such subclause; and

(C) any other proposals that the Administrator considers appropriate considering the Commission's report.

(2) Not later than 90 days after the date on which the Administrator's interim report is submitted under paragraph (1), the Commission shall submit a report to the Administrator and the Committees containing the Commission's views on the Administrator's interim report.

(3) Not later than 2 years after the date on which the Commission's report is submitted under subsection (b), the Administrator shall submit a final report to the Committees. The final report shall include the actions taken with respect to the recommendations of the Commission and any further recommendations the Administrator considers appropriate.

(d) The Commission shall terminate 90 days after the date on which the Administrator submits the final report required by subsection (c)(3).

TECHNICAL AMENDMENTS

SEC. 217. (a) Section 1431(e)(2) is amended by inserting "not" after "educational institution".

(b)(1) The catchline of section 1631 is amended to read as follows:

"§ 1631. Entitlement; payment of benefits".

(2) The table of sections at the beginning of chapter 32 is amended by striking out the item relating to section 1631 and inserting in lieu thereof the following:

"1631. Entitlement; payment of benefits.".

(c) Section 1781(b)(2) is amended by striking out "Chapter 107" and inserting in lieu thereof "Chapters 106 and 107".

TITLE III—SPECIALLY ADAPTED HOUSING AND HOME LOAN GUARANTY PROGRAM IMPROVEMENTS

SPECIALLY ADAPTED HOUSING

SEC. 301. (a) Section 801(b)(1) is amended by inserting before the period at the end the following: "or in acquiring a residence already adapted with special features determined by the Administrator to be reasonably necessary for the veteran because of such disability".

(b) Section 802(b)(1) is amended by striking out "cost" and inserting in lieu thereof "cost, or, in the case of a veteran acquiring a residence already adapted with special features, the fair market value,".

CREDIT UNDERWRITING AND LOAN PROCESSING STANDARDS

SEC. 302. (a) Section 1810(b)(3) is amended by inserting a comma and "as determined in accordance with the credit underwriting standards established pursuant to subsection (g) of this section" before the semicolon at the end.

(b) Section 1810 is further amended by adding at the end the following new subsection:

"(g)(1) For the purposes of this subsection, the term 'veteran', when used with respect to a loan guaranteed or to be guaranteed under this chapter, includes the veteran's spouse if the spouse is jointly liable with the veteran under the loan.

"(2) For the purpose of determining whether a veteran meets the standards referred to in subsection (b)(3) of this section and section 1819(e)(2) of this title, the Administrator shall prescribe regulations which establish—

"(A) credit underwriting standards to be used in evaluating loans to be guaranteed under this chapter; and

"(B) standards to be used by lenders in obtaining credit information and processing loans to be guaranteed under this chapter.

"(3) In the regulations prescribed under paragraph (2) of this subsection, the Administrator shall establish standards that—

"(A) include—

"(i) debt-to-income ratios to apply in the case of the veteran applying for the loan;

"(ii) criteria for evaluating the reliability and stability of the income of the veteran applying for the loan; and

"(iii) procedures for ascertaining the monthly income required by the veteran to meet the anticipated loan payment terms; and

"(B) are designed to be in accordance with the loan underwriting principles and application procedures generally accepted and used by commercial lending institutions with respect to loans with comparable security arrangements.

"(4)(A) Any lender making a loan under this chapter shall certify, in such form as the Administrator shall prescribe, that the lender has complied with the credit information and loan processing standards established under paragraph (2)(B) of this subsection, and that, to the best of the lender's knowledge and belief, the loan meets the underwriting standards established under paragraph (2)(A) of this subsection.

"(B) Any lender who knowingly and willfully makes a false certification under subparagraph (A) of this paragraph shall be liable to the United States Government for a civil penalty equal to two times the amount of the Administrator's loss on the loan involved or to another appropriate amount, not to exceed $10,000, whichever is greater. All determinations necessary to carry out this subparagraph shall be made by the Administrator.

"(5) Pursuant to regulations prescribed to carry out this paragraph, the Administrator may, in extraordinary situations, waive the application of the credit underwriting standards established under paragraph (2) of this subsection when the Administrator determines, considering the totality of circumstances, that the veteran is a satisfactory credit risk.".

(c) Section 1816 is amended by adding at the end the following new subsection:

"(e) The Administrator may not make a loan to finance a purchase of property acquired by the Administrator as a result of a default on a loan guaranteed under this chapter unless the purchaser meets the credit underwriting standards established under section 1810(g)(2)(A) of this title.".

(d) Section 1819(e)(2) is amended by inserting "as determined in accordance with the regulations prescribed under section 1810(g) of this title and" after "credit risk,".

LOAN GUARANTY AMOUNT

SEC. 303. (a) Section 1810(o) is amended by striking out "$27,500" and inserting in lieu thereof "$33,500".

(b) Section 1811(d)(2)(A) is amended by striking out "$27,500" each place it appears and inserting in lieu thereof "$33,500".

DEFAULT NOTIFICATION AND FORECLOSURE PROCEDURES; FORECLOSURE INFORMATION

SEC. 304. (a) Section 1816(a)(1) is amended by striking out the first sentence and inserting in lieu thereof the following: "The holder of a loan guaranteed under this chapter shall promptly notify the Administrator of any failure of the debtor under the loan to make in full two monthly payments due on the loan. Within 15 days after the date on which the Administrator receives such notification, the Administrator shall notify the veteran of the requirement set forth in paragraph (4) of this subsection.".

(b) Section 1816(a) is further amended by adding at the end the following new paragraph:

"(4) Except as provided in paragraph (2) of this subsection, not later than 15 days after the first date on which a veteran has failed to make in full four monthly payments due on any loan guaranteed under this chapter, the holder of the loan shall initiate foreclosure.".

(c) Section 1816 is further amended by adding at the end the following new subsections:

"(e) If a holder of a loan guaranteed under this chapter fails to initiate foreclosure on the loan as required by subsection (a)(4) of this section, the Administrator shall not be liable under the guaranty for interest accruing on such loan during the period beginning on the date the holder should have initiated the foreclosure and ending on the date the holder initiates the foreclosure.

"(f)(1) The Administrator shall identify and compile information on common factors which the Administrator finds contribute to foreclosures on loans guaranteed under this chapter.

"(2) The Administrator shall include the Administrator's findings under paragraph (1) of this subsection in the annual report submitted to the Congress under section 214 of this title.".

COMPETITIVE CONTRACTING REQUIREMENTS

SEC. 305. Section 1820(b) is amended by striking out "$1,000" and inserting in lieu thereof "the amount prescribed in clause (1) of the first sentence of such section".

AUTHORITY TO TRANSFER FUNDS

SEC. 306. Section 1823 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Treasury shall transfer from the direct loan revolving fund to the loan guaranty revolving fund established by section 1824(a) of this title such amounts as the Administrator determines are not needed in the direct loan revolving fund.

"(2) Not later than 30 days after the date on which the Administrator makes a transfer under paragraph (1) of this subsection, the Administrator shall submit a notice of such transfer to the appropriate committees of the Congress.".

USE OF ATTORNEYS IN HOME LOAN FORECLOSURES

SEC. 307. The second sentence of section 1830(a) is amended by striking out "With the concurrence of the Attorney General of the United States, the" and inserting in lieu thereof "The".

APPRAISALS

SEC. 308. (a) Subchapter III of chapter 37 is amended by adding at the end the following new section 1831:

"§ 1831. Appraisals

"(a) The Administrator shall—

"(1) prescribe—

"(A) standardized examinations on appraising, taking into consideration local appraising practices; and

"(B) uniform qualifications for appraisers;

"(2) use such examinations and qualifications in determining whether to approve an

appraiser to make appraisals of the reasonable value of any property, construction, repairs, or alterations for the purposes of this chapter; and

"(3) in consultation with appropriate representatives of institutions which are regularly engaged in making housing loans, develop and maintain a list of appraisers who are approved under clause (2) of this subsection to make appraisals for the purposes of this chapter.

"(b) The Administrator shall select appraisers from the list required by subsection (a)(3) of this section on a rotating basis to make appraisals for the purposes of this chapter.

"(c) The Administrator shall furnish a copy of the appraisal made of property for the purposes of this chapter to the lender proposing to make the loan which is to be secured by such property and is to be guaranteed under this chapter.

"(d) If a lender—

"(1) has proposed to make a loan to be guaranteed under this chapter,

"(2) has been furnished an appraisal of the reasonable value of any property or of any construction, repairs, or alterations of property which is to be the security for such loan, as required by subsection (c) of this section, and

"(3) within a reasonable period prescribed by the Administrator, has furnished to the Administrator an additional appraisal of the reasonable value of such property, construction, repairs, or alterations which was made by an appraiser selected by the lender from the list required by subsection (a)(3) of this section,

the Administrator shall consider both the initial appraisal and the additional appraisal before issuing a certificate of reasonable value of such property, construction, repairs, or alterations.

"(e) The Administrator shall establish such appraisal fee limitations as the Administrator considers appropriate to ensure that appraisers making appraisals in any locality for the purposes of this chapter are paid a fee which is comparable to fees generally paid for other comparable appraisals in such locality.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1830 the following new item:

"1831. Appraisals.".

FURNISHING INFORMATION TO REAL ESTATE PROFESSIONALS TO FACILITATE THE DISPOSITION OF PROPERTIES

SEC. 309. (a) Subchapter III of chapter 37 (as amended by section 308 of this Act) is further amended by adding at the end the following new section 1832:

"§ 1832. Furnishing information to real estate professionals to facilitate the disposition of properties

"The Administrator shall furnish to real estate brokers and other real estate sales professionals information on the availability of real property for disposition under this chapter and the procedures used by the Veterans' Administration to dispose of such property.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1831, as added by section 308(b) of this Act, the following new item:

"1832. Furnishing information to real estate professionals to facilitate the disposition of properties.".

TASK FORCE ON MANAGEMENT AND DISPOSITION OF PROPERTY

SEC. 310. (a)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall establish a task force to be known as the Task Force on Management and Disposition of Property (hereafter in this section referred to as the "Task Force"). The Task Force shall terminate 3 years after the date on which the Task Force is established.

(2) The purposes of the Task Force are—

(A) to develop effective methods for the exchange of information between the Veterans' Administration and the real estate industry on efficient real property management and disposition practices and new developments in such practices; and

(B) to advise the Administrator on ways to improve the manner in which the Veterans' Administration manages and disposes of real property acquired under chapter 37 of title 38, United States Code.

(3) The members of the Task Force shall be appointed by the Administrator and shall include—

(A) appropriate representatives of the Veterans' Administration;

(B) real estate brokers and other real estate sales professionals; and

(C) representatives of commercial residential real property management organizations.

(4) The Administrator shall designate one member to chair the Task Force.

(5) The Administrator shall prescribe the number and terms of service of members of the Task Force.

(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Task Force with respect to matters relating to the purposes of the Task Force.

(c)(1)(A) Not later than 16 months after the date on which the Task Force is established under subsection (a), the Task Force shall submit to the Administrator a report on the activities of the Task Force during the preceding year.

(B) Not later than the day before the date on which the Task Force terminates, the Task Force shall submit to the Administrator a final report on the activities of the Task Force.

(C) Each report required by this paragraph shall include such recommendations relating to the purposes of the Task Force as the Task Force considers appropriate.

(2) The Task Force may also submit to the Administrator such other reports relating to the purposes of the Task Force as the Task Force considers appropriate and may include recommendations with respect to matters relating to such purposes in such reports.

(d) Not later than 60 days after the date on which the Administrator receives a report required by subsection (c)(1) of this section, the Administrator shall submit such report, together with such comments and recommendations as the Administrator considers appropriate, to the Committees on Veterans' Affairs of the Senate and the House of Representatives

PROPERTY MANAGEMENT AND DISPOSAL PILOT PROGRAM

SEC. 311. (a) In order to evaluate the effectiveness, feasibility, and desirability of contracting with commercial organizations to perform the functions of management and disposal of properties acquired by the Veterans' Administration under chapter 37 of title 38, United States Code, the Administrator of Veterans' Affairs, during the period beginning April 1, 1986, and ending September 30, 1987, shall conduct a pilot program under which the Administrator shall contract with one or more qualified commercial organizations for the performance of such functions.

(b) In order to carry out the pilot program under this section, the Administrator shall—

(1) designate a representative nationwide sample of 10 percent of the inventory of properties held by the Veterans' Administration and referred to in subsection (a); and

(2) enter into contracts with one or more qualified commercial organizations to manage the properties in the designated sample and to dispose of such properties through the use of local real estate brokers and other real estate sales professionals.

(c) Not later than February 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the experience under the pilot program. The report shall include—

(1) the Administrator's assessment of the cost effectiveness of the program taking into account—

(A) the effectiveness of the program in providing quality management and timely disposition of properties acquired by the Veterans' Administration under chapter 37 of title 38, United States Code; and

(B) a comparison of the cost of the program with the cost of management and disposal of properties by the Veterans' Administration under such chapter;

(2) a description of the effects, if any, which the program had on the functions and duties performed by employees of the Veterans' Administration; and

(3) any recommendations for legislation which the Administrator considers appropriate.

EFFECTIVE DATES

SEC. 312. (a) The amendments made by sections 302, 303, 304, and 308 shall take effect September 1, 1986.

(b) The amendments made by section 301 shall apply with respect to residences acquired after the date of the enactment of this Act.

TITLE IV—NATIONAL CEMETERY SYSTEM

NATIONAL CEMETERY GRAVE MARKERS

SEC. 401. (a) Section 1004(c) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraphs (2) and (3):

"(2)(A) Except as provided in subparagraph (B) of this paragraph, the Administrator shall designate a section in each national cemetery in which persons eligible for interment may be buried in graves to be marked with upright grave markers pursuant to paragraph (3)(B) of this subsection.

"(B) Subparagraph (A) shall not apply to a national cemetery established before January 1, 1986, if the Administrator has never, before that date, authorized graves in such cemetery to be marked with upright markers.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, each marker in a national cemetery shall be flat.

"(B) If a person to be buried in a national cemetery (or the survivor or the legal representative of such person) has requested that the person's grave be marked with an upright marker and space is available in a section designated under paragraph (2)(A) of this section for graves marked with upright

markers, the person shall be buried in such section and an upright marker shall be used to mark the grave.".

(b) The amendments made by subsection (a) shall apply with respect to markers for the graves of persons who die on or after July 1, 1986.

REPORT ON THE NATIONAL CEMETERY SYSTEM

SEC. 402. (a) Not later than 18 months after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the National Cemetery System established by section 1000 of title 38, United States Code. The Administrator shall submit a second such report not later than 60 months after such date.

(b) Each report required by subsection (a) shall include—

(1) a plan for the operation of the National Cemetery System through the year 2000, including a description of anticipated general trends relating to the operation of the National Cemetery System between the years 2000 and 2020 and a discussion of the provisions of the plan which were developed in response to those trends;

(2) a list, in order of priority, of the 10 geographic areas in the United States in which the need for additional burial space for veterans is greatest;

(3) assessments of the desirability and feasibility of acquiring existing State veterans' cemeteries in the geographic areas identified on the list described in clause (2) and of the role of State veterans' cemeteries generally in meeting the needs for burial space for veterans; and

(4) general plans (including projected costs, site location, and, if appropriate, necessary land acquisition) for any anticipated expansion of the National Cemetery System, including plans for meeting (A) the need for burial space for veterans in each geographic area identified on the list described in clause (2), and (B) the need for burial space in cemeteries other than cemeteries in the National Cemetery System in those areas.

MEMORIAL AREAS IN ARLINGTON NATIONAL CEMETERY

SEC. 403. (a) Chapter 75 of title 10, United States Code, is amended by adding at the end the following new section 1491:

"§ 1491. Memorial areas in Arlington National Cemetery

"(a) The Secretary of the Army may set aside, when available, a suitable area or areas in Arlington National Cemetery, Virginia, to honor the memory of members of the armed forces and veterans (as defined in section 101(2) of title 38)—

"(1) who are missing in action;

"(2) whose remains have not been recovered or identified;

"(3) whose remains were buried at sea, whether by the member's or veteran's own choice or otherwise;

"(4) whose remains were donated to science; or

"(5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.

"(b) Under regulations prescribed by the Secretary, appropriate memorials or markers may be erected in Arlington National Cemetery to honor the memory of those individuals, or group of individuals, referred to in subsection (a).".

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1491. Memorial areas in Arlington National Cemetery.".

TITLE V—MISCELLANEOUS PROVISIONS

CLARIFICATION OF REQUIREMENT FOR A DETAILED PLAN AND JUSTIFICATION FOR ADMINISTRATIVE REORGANIZATION

SEC. 501. (a) Subparagraph (C) of section 210(b)(2) is amended by inserting at the end the following new division:

"(iii) The term 'detailed plan and justification' means, with respect to an administrative reorganization, a written report which, at a minimum—

"(I) specifies the number of employees by which each covered office or facility affected is to be reduced, the responsibilities of those employees, and the means by which the reduction is to be accomplished;

"(II) identifies any existing or planned office or facility at which the number of employees is to be increased and specifies the number and responsibilities of the additional employees at each such office or facility;

"(III) describes the changes in the functions carried out at any existing office or facility and the functions to be assigned to an office or facility not in existence on the date that the plan and justification are submitted pursuant to subparagraph (A) of this paragraph;

"(IV) explains the reasons for the determination that the reorganization is appropriate and advisable in terms of the statutory missions and long-term goals of the Veterans' Administration;

"(V) describes the effects that the reorganization may have on the provision of benefits and services to veterans and dependents of veterans (including the provision of benefits and services through offices and facilities of the Veterans' Administration not directly affected by the reorganization); and

"(VI) provides estimates of the costs of the reorganization and of the cost impact of the reorganization, together with analyses supporting those estimates.".

(b)(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect with respect to administrative reorganizations proposed to be carried out in fiscal years beginning after fiscal year 1986.

(2) The amendment made by subsection (a) applies to the administrative reorganization referred to in the letters from the Administrator of Veterans' Affairs to the Committees on Veterans' Affairs of the Senate and the House of Representatives, dated February 1, 1985, relating to the consolidation of certain Veterans' Administration Department of Veterans' Benefits activities from 59 regional offices into three processing centers.

DEFINITION OF VIETNAM ERA

SEC. 502. Section 101(29) is amended to read as follows:

"(29) The term 'Vietnam era' means (A) the period beginning on August 5, 1964, and ending on May 7, 1975, or (B) the period beginning on February 21, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period.".

EFFECT OF PAYMENT FOR THERAPEUTIC AND REHABILITATION ACTIVITIES ON PENSION ENTITLEMENT

SEC. 503. (a) Section 618 is amended by adding at the end the following new subsection:

"(g) Notwithstanding any other provision of law, no amount of remuneration provided to an individual as a participant in a therapeutic or rehabilitative activity carried out pursuant to this section shall be included in determining annual income for purposes of pension payments under laws administered by the Administrator.".

(b) The amendment made by subsection (a) shall take effect with respect to pension payments made on or after January 1, 1986.

ESTATE LIMITATIONS RELATING TO INCOMPETENT INSTITUTIONALIZED VETERANS

SEC. 504. Section 3203(b)(1)(A) is amended—

(1) by striking out "$1,500" and inserting in lieu thereof "$6,000"; and

(2) by striking out "$500" and inserting in lieu thereof "$2,000".

EVALUATION OF THE NEEDS OF NATIVE AMERICAN VETERANS

SEC. 505. (a)(1) Not later than February 1, 1986, the Administrator of Veterans' Affairs shall establish an advisory committee to conduct an evaluation to determine the extent to which the programs and other activities of the Veterans' Administration meet the needs of veterans who are Native Americans, including Alaska Natives (as defined in section 3(b) of the Alaska Native Claims Settlement Act (85 Stat. 689; 43 U.S.C. 1602(b)).

(2) The advisory committee shall consist of—

(A) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

(B) the Chief Medical Director and Chief Benefits Director of the Veterans' Administration or their representatives; and

(C) members appointed by the Administrator from the general public, including—

(i) representatives of veterans who are Native Americans, including Alaska Natives and those with service-connected disabilities; and

(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans described in subclause (i), including specific health care needs of such veterans and the delivery of health care services by the Veterans' Administration to such veterans.

(b) The evaluation required by subsection (a)(1) shall include—

(1) an assessment of the needs of the veterans described in subsection (a)(1) for health care, rehabilitation, readjustment counseling, drug and alcohol counseling, outreach services, and other benefits and assistance under programs administered by the Veterans' Administration; and

(2) a review of the manner in which and the extent to which the programs and other activities of the Veterans' Administration meet such needs.

(c)(1)(A) Not later than August 1, 1987, the advisory committee shall submit to the Administrator a report containing the findings and any recommendations of the advisory committee on the matters described in subsection (b).

(B) Not later than August 1, 1988, the advisory committee shall submit to the Administrator a report containing any views developed by the advisory committee after August 1, 1987, on the recommendations included in the report required by subparagraph (A) and the views of the advisory committee on any actions taken by the Administrator on such recommendations.

(2)(A) Not later than October 1, 1987, the Administrator shall submit to the Commit-

tees on Veterans' Affairs of the Senate and the House of Representatives the report submitted by the advisory committee to the Administrator under paragraph (1), together with any comments on the report and recommendations relating to such report that the Administrator considers appropriate.

(B) Not later than October 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the report submitted by the advisory committee to the Administrator under paragraph (1)(B), together with any comments and recommendations relating to the report that the Administrator considers appropriate.

(d) The Administrator shall determine the number and pay and allowances of members of the advisory committee appointed by the Administrator.

(e) The advisory committee shall terminate 90 days after the date on which the Administrator submits the report required by subsection (c)(2)(B).

COLLOCATION OF REGIONAL OFFICES AND MEDICAL CENTERS; ASSESSMENT OF COMBINING NEARBY REGIONAL OFFICES

SEC. 506. (a)(1) Not later than June 1, 1986, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a plan, including a schedule, for collocating at least 7 regional offices of the Veterans' Administration described in paragraph (3) with Veterans' Administration medical centers on the grounds of such medical centers. The plan and schedule shall provide for the collocations to be commenced and completed as soon as practicable.

(2) The plan required by paragraph (1) shall include—

(A) an analysis of the estimated costs and savings which would result from the collocations;

(B) the advantages and costs of furnishing personnel, supply, administration, and finance services and other supporting services jointly to regional offices of the Veterans' Administration and Veterans' Administration medical centers; and

(C) any other advantages and any disadvantages of such collocations relating to costs and the provision of benefits and services to veterans.

(3) The regional offices referred to in paragraphs (1) and (2) are regional offices of the Veterans' Administration which are not located at Veterans' Administration medical centers on the date of the enactment of this Act.

(b) The Administrator of Veterans' Affairs may submit together with the plan submitted under subsection (a) any assessment that the Administrator has made of the advantages, disadvantages, and costs of combining regional offices of the Veterans' Administration which, on the date of enactment of this Act, are located near each other.

VIETNAM EXPERIENCE STUDY OF THE HEALTH STATUS OF WOMEN VIETNAM VETERANS

SEC. 507. (a)(1)(A) Except as provided in paragraph (2), the Administrator of Veterans' Affairs shall provide, through contracts or other agreements with private or public agencies or persons, for the conduct of an epidemiological study of any long-term, adverse, and gender-specific health effects and other health effects which have been experienced by women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era and which may have resulted from (i) traumatic experiences, (ii) from exposure to phenoxy herbicides (including the herbicide known as Agent Orange), to other herbicides, chemicals, or medications that may have deleterious health effects, or to environmental hazards during such service, or (iii) from any other similar experience or exposure during such service.

(B) The Administrator may also include in the study conducted under subparagraph (A) an evaluation of the means of detecting and treating long-term, adverse, and gender-specific health effects and other health effects found through the study.

(2)(A) If the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that it is not feasible to conduct a scientifically valid study of an aspect of the matters described in paragraph (1)(A)—

(i) the Administrator shall promptly submit to the appropriate committees of the Congress a notice of that determination and the reasons for the determination; and

(ii) the Director, not later than 60 days after the date on which such notice is submitted to the committees, shall submit to such committees a report evaluating and commenting on such determination.

(B) The Administrator is not required to study any aspect with respect to which a determination or determinations have been made and a notice or notices have been submitted pursuant to subparagraph (A)(i).

(C) If the Administrator notifies the Congress of a determination made pursuant to subparagraph (A) that it is not scientifically feasible to conduct the study described in paragraph (1)(A), this section shall cease to be effective as if the section were repealed by law on the date of the notification under this subparagraph.

(b)(1) The study required by subsection (a) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

(2) Not later than April 1, 1986, the Administrator shall publish a request for proposals for the design of the protocol to be used in conducting the study under this section.

(3) In considering any protocol for use or approval under this section, the Administrator and the Director shall take into consideration the protocol approved under section 307(a)(2)(A)(i) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 93 Stat. 1097; 38 U.S.C. 219 note), and the experience under the study being conducted pursuant to that protocol.

(c)(1) Concurrent with the approval or disapproval of any protocol under subsection (b)(1), the Director shall submit to the appropriate committees of the Congress a report—

(A) explaining the reasons for the Director's approval or disapproval of the protocol, as the case may be; and

(B) containing the Director's conclusions regarding the scientific validity and objectivity of the protocol.

(2) If the Director has not approved a protocol under subsection (b)(1) by the last day of the 180-day period beginning on the date of the enactment of this Act, the Director—

(A) shall, on such day, submit to the appropriate committees of the Congress a report describing the reasons why the Director has not approved such a protocol; and

(B) shall submit to such committees an updated report on the report required by clause (A) each 60 days thereafter until such a protocol is approved.

(d)(1) In order to ensure compliance with the protocol approved under subsection (b)(1)(A), the Director shall monitor the conduct of the study under subsection (a).

(2)(A) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in subparagraph (B), a report on the Director's monitoring of the conduct of the study pursuant to paragraph (1).

(B) A report shall be submitted under subparagraph (A)—

(i) before the end of the 6-month period beginning on the date on which the Director approves the protocol referred to in paragraph (1);

(ii) before the end of the 12-month period beginning on such date; and

(iii) annually thereafter until the study is completed or terminated.

(e) The study conducted pursuant to subsection (a) shall be continued for as long after the date on which the first report is submitted under subsection (f)(1) as the Administrator determines that there is a reasonable possibility of developing, through such study, significant new information on the health effects described in subsection (a)(1)(A).

(f)(1) Not later than 24 months after the date of the approval of the protocol pursuant to subsection (b)(1)(A) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing—

(A) a description of the results obtained before the date of such report under the study conducted pursuant to subsection (a); and

(B) any administrative actions or recommended legislation, or both, and any additional comments which the Administrator considers appropriate in light of such results.

(2) Not later than 90 days after the date on which each report required by paragraph (1) is submitted, the Administrator shall publish in the Federal Register for public review and comment a description of any action that the Administrator plans or proposes to take with respect to programs administered by the Veterans' Administration based on (A) the results described in such report, (B) the comments and recommendations received on that report, and (C) any other available pertinent information. Each such description shall include a justification or rationale for the planned or proposed action.

(g) For the purposes of this section—

(1) the term "gender-specific health effects" includes (A) effects on female reproductive capacity and reproductive organs, (B) reproductive outcomes, (C) effects on female-specific organs and tissues, and (D) other effects unique to the physiology of females; and

(2) the term "Vietnam era" has the meaning given such term in section 101(29) of title 38, United States Code.

SEC. 508. (a)(1) The first sentence of section 1 of Public Law 98-77 (29 U.S.C. 1721 note) is amended to read as follows: "This Act may be cited as the 'Veterans' Job Training Act'.".

(2) Any reference in any Federal law to the Emergency Veterans' Job Training Act of 1983 shall be deemed to refer to the Veterans' Job Training Act.

(b) Section 5(a)(1)(B) of such Act is amended by striking out "fifteen of the

twenty" and inserting in lieu thereof "10 of the 15".

(c) The second sentence of section 8(a)(1) of such Act is amended to read as follows: "Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran for a period of training under this Act shall be—

"(A) during the first 3 months of that period, 50 percent of the product of (i) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (ii) the number of hours worked by the veteran during those months; and

"(B) during the fourth and any subsequent months of that period, 30 percent of the product of (i) the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (ii) the number of hours worked by the veteran during those months.".

(d) Section 14 of such Act is amended by inserting "(a)" before "The" and adding at the end the following new subsections:

"(b) The Administrator and the Secretary shall jointly provide for a program of counseling services designed to resolve difficulties that may be encountered by veterans during their training under this Act and shall advise all veterans and employers participating under this Act of the availability of such services and encourage them to request such services whenever appropriate.

"(c) The Administrator shall advise each veteran who enters a program of job training under this Act of the supportive services and resources available to the veteran through the Veterans' Administration, especially, in the case of a Vietnam-era veteran, readjustment counseling under section 612A of title 38, United States Code, and other appropriate agencies in the community.

"(d) The Administrator and the Secretary shall jointly provide for a program under which a case manager is assigned to each veteran participating in a program of job training under this Act and periodic (not less than monthly) contact is maintained with each such veteran for the purpose of avoiding unnecessary termination of employment and facilitating the veteran's successful completion of such program.".

(e) Section 16 of such Act is amended—

(1) by inserting "and $55 million for fiscal year 1986," after "1985"; and

(2) by striking out "1987" and inserting in lieu thereof "1988".

(f) Section 17 of such Act is amended—

(1) by striking out "Assistance" and inserting in lieu thereof "(a) Except as provided in subsection (b), assistance";

(2) in clause (1), by striking out "February 28, 1985" and inserting in lieu thereof "January 31, 1987";

(3) in clause (2), by striking out "July 1, 1986" and inserting in lieu thereof "July 31, 1987"; and

(4) by adding at the end the following new subsection:

"(b) If funds for fiscal year 1986 are appropriated under section 16 but are not both so appropriated and made available by the Director of the Office of Management and Budget to the Veterans' Administration on or before February 1, 1986, for the purpose of making payments to employers under this Act, assistance may be paid to an employer under this Act on behalf of a veteran if the veteran—

"(1) applies for a program of job training under this Act within 1 year after the date on which funds so appropriated are made available to the Veterans' Administration by the Director; and

"(2) begins participation in such program within 18 months after such date.".

(g)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2)(A) The amendment made by subsection (c) shall apply with respect to payments made for programs of training under such Act that begin after January 31, 1986.

(B) The amendment made by subsection (f)(2) shall take effect on February 1, 1986.

SEC. 509. (1) In carrying out section 1516(b) of title 38, United States Code, the Administrator of Veterans' Affairs shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training consistent with the provisions of the Veterans' Job Training Act (as redesignated by section 508(a)(1) of this Act) so as to utilize programs of job training established by employers pursuant to such Act.

(2) In carrying out such Act, the Administrator shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both such Act and such section, the authority under such section is utilized to the maximum extent feasible and consistent with the veteran's best interests to make payments to employers on behalf of such veterans.

SEC. 510. (a) For the purposes of this section:

(1) The term "private industry council" means a private industry council established pursuant to section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

(2) The term "service delivery area" means a service delivery area established pursuant to section 101 of the Job Training Partnership Act (29 U.S.C. 1511).

(b)(1) The Secretary of Labor shall evaluate the feasibility and advisability of establishing and administering, under part C of title IV of the Job Training Partnership Act, a program described in paragraph (2).

(2) The program referred to in paragraph (1) is a program under which, upon the Secretary's determination and declaration of a severe State or regional employment deficiency or a veterans' employment deficiency in a State or service delivery area, grants are made, from a veterans' job training grant fund established by the Secretary from funds available to carry out part C of title IV of the Job Training Partnership Act, to a State or appropriate private industry council to fund an on-the-job training program which is similar in structure and purpose to the job training program established under the Veterans' Job Training Act of 1983 (as redesignated by section 508(a)(1) of this Act) and is to be conducted in such State or service delivery area.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation made under subsection (b). The report shall include—

(1) recommended definitions, standards, and implementation procedures for declaring and determining the duration of a severe State or regional employment deficiency and a veterans' employment deficiency in a State or service delivery area;

(2) recommended procedures for commencing a job training program in a State or service delivery area and for making financial assistance and other resources available for such job training program when a veterans' employment emergency is declared with respect to the State or service delivery area;

(3) recommended procedures for administering an emergency veterans' job training grant fund, including recommended minimum and maximum amounts to be maintained in such fund;

(4) recommended limits on the amounts of grants to be made to any grantee State or private industry council;

(5) recommended veteran and employer eligibility criteria and entry and completion requirements;

(6) a description of the support and counseling services that are necessary to carry out a job training program in a State or service delivery area;

(7) the recommended administrative component or components of the Department of Labor which would be appropriate—

(A) to administer a grant program described in subsection (b), including the contracting and monitoring functions;

(B) to determine the eligibility criteria for applicants for training and for employer certifications;

(C) to establish findings of veterans' employment deficiencies in States and service delivery areas; and

(D) to verify the level of compliance of grantee States or private industry councils, veterans, and employers with the requirements of the grant program and the job training programs funded by the grant program;

(8) the estimated costs of administering and monitoring a job training grant program described in subsection (b) and consistent with the recommendations made in such report; and

(9) such other findings and recommendations, including any recommendations for legislation, as the Secretary considers appropriate.

SEC. 511. The Veterans' Administration Medical Center in Phoenix, Arizona, shall after the date of the enactment of this Act be known and designated as the "Carl T. Hayden Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Carl T. Hayden Veterans' Administration Medical Center.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

The Senate continued with the consideration of the bill (S. 655).

AMENDMENT NO. 1168

Mr. PROXMIRE. Mr. President, I rise in support of the amendment offered by Senator BOREN. I do so with some reluctance because it is certainly not a perfect proposal; it has constitutional and other problems. However, I think, on balance, it is very necessary.

It is necessary, Mr. President, because there is not any question that political action committees have become far too influential in our politics. It will be a miracle if the Boren amendment passes, in my view, because the political action committees, as we know, overwhelmingly benefit incumbents. As a matter of fact, the figures I have seen show that in April of the election year for each of the last several election cycles, incumbents have had nine times as much from political action committees as their opposition. Everybody who has been in politics knows that early money is very valuable.

Mr. President, the PAC's are not only enormously helpful for incumbents but they have another very, very serious shortcoming. It seems to me that was highlighted best by the head of a political action committee who said—who was quoted in the Wall Street Journal as saying—"When I make a contribution for my political action committee, I buy legislation." "I buy legislation."

Mr. President, that is about as close as you can get to saying, when I make a contribution for my political action committee, I bribe in order to achieve my political ends.

I am sure there are political action committees that differ, but I have just had an analysis made of the political action committees and whom they represent. We find that 57 percent of political action committees active in the 1980 and 1984 cycles were sponsored by corporations. Fifty-seven percent. That is about three-fifths—three out of every five—a decisive majority. Ten percent were sponsored by labor unions. Fifteen percent represented various ideological groups—very conservative, very liberal, usually, because it is usually the extreme parts of our political spectrum that are able to raise money and are aggressive and anxious in pushing their positions. Eighteen represented trade associations.

This means that only about 10 or 20 percent of the political action committees were not motivated primarily by economic interests, a special economic interest—not a general interest, an ideology, not the notion of supporting a particular view of political life, but an economic interest concerned with achieving support for a particular viewpoint.

Mr. President, I think you would have to be very naive not to see how transparent it is when the contributions go to the people who are at the head of our top financial committees—the Ways and Means Committee, the Banking Committees, the Commerce Committee, the other committees that have a real economic clout. Those contributions, as I say, are not made out of any idealism; they are made because there is a fundamental economic interest.

There is nothing wrong with economic interests. We recognize that our country treasures the fact that we have a free economy and economic interests should be represented. But when economic interests are represented in this way and it is a matter of who has the biggest bucks, who has the most money, who is willing to make the biggest contributions, it means that Government no longer is based on electing people to office who will decide issues based on the merits.

For these reasons, Mr. President, I am supporting the Boren amendment. As I have said, I do so with some reluctance because it has some significant problems, but I do hope that it will pass.

I am delighted to see the Boren amendment has the kind of sponsorship it has. We all admire and respect DAVID BOREN, but he also has GOLDWATER, who, I understand, is supporting this amendment. Whether we agree or disagree with Senator GOLDWATER, we all know of his rocklike integrity, his deep understanding of government, and also his understanding of how money works in politics.

The man who sits in front of me, a man we also greatly admire, JOHN STENNIS, is also a strong supporter of this amendment. I think that speaks strongly in favor of the amendment because we all know of JOHN STENNIS' deep interest in the Senate and his magnificent service over the years.

Mr. President, I hope that the Senate, in one way or another, sees fit to pass the Boren amendment. As I say, it will be a miracle if it passes, but I hope it does.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Robert K. Dawson, to be an Assistant Secretary of the Army.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

Mr. BYRD. There is no objection on this side to proceeding with the nomination.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of Robert K. Dawson, of Virginia, to be an Assistant Secretary of the Army.

Mr. THURMOND. Mr. President, I ask unanimous consent that following the final passage vote on S. 1884 on tomorrow, the Senate go into executive session to resume consideration of the Dawson nomination, for a period of 2 hours; 90 minutes, to be under the control of the Senator from Maine [Mr. MITCHELL], and 30 minutes, to be under the control of the Senator from Arizona [Mr. GOLDWATER] who asked me to act in his place.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

Mr. CHAFEE. Mr. President, I will let the minority leader speak for the Senator from Maine [Mr. MITCHELL].

Mr. BYRD. Mr. President, the matter has been cleared on this side. This agreement has been cleared with Mr. MITCHELL and other Senators.

Therefore, I have no objection to the request.

Mr. CHAFEE. Do I understand it is 90 minutes and 30 minutes, making 2 hours?

Mr. THURMOND. That is right. Ninety minutes to the Senator's side and 30 minutes to our side.

Does the Senator want longer than that?

Mr. CHAFEE. That is all right. That is fine.

And the time today does not count toward that agreement?

Mr. THURMOND. That is correct.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from West Virginia reserves the right to object.

Mr. BYRD. Mr. President, was it the Senator's understanding that Mr. MITCHELL wanted 1 hour and 45 minutes?

Mr. THURMOND. Mr. President, I wish to modify that request by stating that 1 hour and 45 minutes will be for those opposing the nomination and 30 minutes for those in favor of the nomination.

Mr. BYRD. Mr. President, reserving the right to object, does the distinguished President pro tempore give the control of the 1 hour and 45 minutes to the distinguished Senator from Maine [Mr. MITCHELL] or his designee?

Mr. THURMOND. Mr. President, I believe it is understood now that the opposition will have 1 hour and 45 minutes to be under the control of Mr. CHAFEE, the distinguished Senator from Rhode Island, or Mr. MITCHELL, the distinguished Senator from Maine; and 30 minutes to be under the control of the distinguished Senator from Arizona who has designated me as his designee to handle that.

Mr. BYRD. Mr. President, reserving the right to object, does the distinguished Senator from South Carolina then intend this to be a 2 hour and 15 minute limitation rather than 2 hours?

Mr. THURMOND. That is correct.

Mr. CHAFEE. With no time counted today?

Mr. THURMOND. With no time counted today. The time used today will not be counted against the time.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, finally, I ask unanimous consent that following the conclusion or yielding back of time on the nomination the Senate proceed to vote on the confirmation of Mr. Dawson.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I express my thanks to the distinguished Senator from South Carolina and the distinguished Senator from Rhode Island for their patience in getting the agreement. I apologize to them, but I have to make sure that there are no problems on my side of such an agreement and they were very considerate and understanding of that fact.

Mr. THURMOND. Mr. President, we understand sometimes it is necessary to get the approval of various Members. I wish to commend my able friend from West Virginia, the distinguished Democratic leader, for getting this arrangement here so that we can dispose of this nomination.

Mr. BYRD. I thank the Senator.

Mr. THURMOND. Mr. President, Bob Dawson is an extremely able administrator who is ideally equipped to serve as Assistant Secretary of the Army. From 1981 to May 1984, he served as Deputy Assistant Secretary for Civil Works. Since May 1984, he has served as Acting Assistant Secretary of the Army and has performed in an exemplary way. Prior to 1981, Mr. Dawson served for nearly 10 years on congressional staffs. All of his professional career has equipped him uniquely to serve in the post for which he has been nominated.

Bob Dawson's character and integrity are unimpeachable. He is well respected throughout the executive and legislative branches as someone who is completely honest, meticulously fair, and an extremely able administrator and manager.

I am aware that some reservations have been expressed by various interest groups and some of our colleagues about Mr. Dawson's nomination. I would emphasize that these are concerns about President Reagan's policies regarding the administration of the section 404 permit program. I believe it is highly unfortunate that some Senators think that their policy disagreements with the administration should be emphasized by denying confirmation to a dedicated public servant, rather than through the normal congressional oversight processes.

Members should also understand that Mr. Dawson's responsibilities as the Acting Assistant Secretary go far beyond the section 404 program. He has been and, if confirmed, would continue to be responsible for pursuing new water resources project authorizations, implementing evolving cost sharing and user fee policies, and overall management of the entire civil works activities of the Corps of Engineers. It is noteworthy that many of the groups which have objected to Mr. Dawson's section 404 administration have applauded his approach to other environmentally sensitive issues, such as user fees. In addition, Mr. Dawson has recently completed new agreements with the Environmental Protection Agency and the Department of the Interior to ensure that the views of these agencies on section 404 permit applications are fully and fairly considered.

The Committee on Armed Services, which had jurisdiction over this nomination, favorably reported Mr. Dawson to the full Senate by a vote of 13 to 1 (5 members voted present). The committee invited the chairmen and ranking minority members of the Committee on Environment and Public Works and the Subcommittee on Environmental Pollution to participate in the confirmation hearing, and both chairmen did participate. The Armed Services Committee carefully reviewed the transcripts of hearings before the Environment and Public Works Committee on the section 404 program. After this full consideration of the section 404 issue, the 13 to 1 vote would suggest that the Armed Services Committee was convinced that the disputes surrounding Mr. Dawson are policy disputes not properly resolved by a refusal to confirm a public servant who has been responsible for administering and implementing the controversial policy.

I hope that the Senate as a whole will be as fair as the Armed Services Committee was.

Mr. President, I ask unanimous consent that a letter addressed to the Honorable ROBERT DOLE, Majority Leader, by James C. Miller III, Director of the Executive Office of the President, Office of Management and Budget, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 23, 1985.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR BOB: It has been brought to my attention that several Senators have expressed reservations over the nomination of Robert K. Dawson to be Assistant Secretary of the Army for Civil Works. I am further informed that the basis for their concern is a belief that Mr. Dawson has not effectively administered Section 404 of the Clean Water Act and related provisions.

The Administration has worked closely with Mr. Dawson in helping to implement the important regulatory reforms relating to Section 404 undertaken by the Office of the Assistant Secretary of the Army and is in full agreement with these reforms. In fact, these reforms were directed by the Presidential Task Force on Regulatory Relief in May of 1982, after full interagency coordination and approval. It is our judgment that Mr. Dawson has effectively implemented this Administration's policies in this very important area of our regulatory reform effort.

Further, I would like to point out that Mr. Dawson, specifically in response to the concerns expressed by several members of the Senate, has successfully negotiated new agreements with the Environmental Protection Agency and the Department of the Interior that improve communication between those agencies and the Corps of Engineers on pending Section 404 decisions.

It would be a great disservice to Mr. Dawson and his family, the Administration, and our entire system of government if Mr. Dawson, a very able and conscientious public servant, were penalized because he has done an effective job in carrying out Administration policy regarding Section 404. I, therefore, urge speedy confirmation of Mr. Dawson to be Assistant Secretary of the Army.

Sincerely yours,

JAMES C. MILLER III,
Director.

Mr. THURMOND. Mr. President, I ask unanimous consent that a letter addressed to the Honorable ROBERT J. DOLE, United States Senate, from Secretary Weinberger, Secretary of Defense, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, November 22, 1985.

Hon. ROBERT J. DOLE,
U.S. Senate, Washington, DC.

DEAR BOB: I am writing to thank you for your continued support of the nomination of Robert K. Dawson to be the Assistant Secretary of the Army for Civil Works. As you are aware, Mr. Dawson's nomination was sent to the Senate by President Reagan on June 3, 1985. It has been on the Executive Calendar since September 30th. Absolutely no questions have been raised concerning Mr. Dawson's integrity or his professional qualifications to fill this post.

The Office of the Assistant Secretary of the Army for Civil Works is a very important post. It is crucial to the Department of Defense that this post be filled without further delay.

While some special interest groups have expressed opposition to the nomination, the issues involved have been thoroughly aired in four oversight hearings held this year by the Senate Environment and Public Works Committee and in the Senate Armed Service's confirmation hearing. All of these issues have been fully addressed and the record is open for review. Specifically, the matter of the Army's administration of the Clean Water Act wetlands fill permit process has been resolved by Memoranda of Agreement between the Corps of Engineers, the Environmental Protection Agency and the Department of the Interior Fish and Wildlife Service.

I understand that you intend to bring this matter before the Senate as early as December 2nd. I want to thank you for your continued support of the President's nominee for this important post. As I am sure you realize, it is vital that the question of Bob Dawson's nomination be successfully resolved prior to adjournment.

Sincerely,

CAP.

Mr. CHAFEE. Mr. President, the subject before the Senate is the nomination of Mr. Robert Dawson to be Assistant Secretary of the Army in charge of the Corps of Engineers. Mr. President, I and several other Members here are on record in opposition to the nomination of Mr. Dawson. I do hope that those other Members of the Senate who have not taken a position will listen carefully. It is our hope that they will join us in this effort to disapprove the nomination of Mr. Dawson.

Mr. President, I want to say one thing to start with. This effort that we are making has nothing to do with the character of Mr. Dawson nor his integrity. It has nothing to do with Mr Dawson as an individual. What we are concerned with and why we bring up this unusual effort—and I might say, Mr. President, since I have been in the Senate, just 9 years now, this will mark the second time since being here that I have voted against the nomination of the President of either party for a position within his administration. So I go along with the natural tendency of Senators to give confirmation to the nominee of the President.

But, Mr. President, this is a different situation. I think we are at a point now where we have got to say that Mr. Dawson, because of his inclinations and the viewpoint he takes as regards to the wetlands of the Nation is not deserving of this support.

Mr. President, what is this all about? It deals with the effort that we are making and others throughout the Nation who are involved with the environment and who have a concern with the environment are making to protect the existing wetlands that we have. Our point is that Mr. Dawson, through the record he has made since being acting civilian head of the Corps of Engineers, is not sympathetic with those efforts to preserve the wetlands.

First, I would like to say something about the wetlands. The modification and the destruction of wetland habitat in the lower 48 States is the single most important factor affecting migratory bird abundance. Wetlands, however, are important for many reasons other than the conservation of waterfowl. All too often, wetlands are looked upon as nice places for the ducks and geese. They are part of the migratory flyway of these birds and indeed they are important for the preservation and encouragement of waterfowl. But they are much more than that.

Wetlands are biologically and economically important to the lives of every American. They contribute to the production of commercial and recreational fishery harvests, valued at several billion dollars annually. Equally important, they provide millions of Americans with opportunities for recreational activities, such as boating and bird watching, and they support a major portion of the Nation's multimillion-dollar annual fur harvest. They provide savings in natural flood and erosion control, and the wetlands help to supply the Nation's increasing demand for safe, pure water. In all, wetlands contribute from $20 billion to $40 billion a year to the Nation's economy.

Frankly, Mr. President, I think trying to put this in a matter of dollars, whether it is $20 billion or $40 billion, does not make an awful lot of sense. If wetlands destruction in the United States continues at the pace it has been going, there just will not be any more wetlands and we will lose in a host of areas—clean water, overflow areas for flooding rivers, fishery harvests, wildlife, waterfowl, and all of the other values that I have mentioned previously.

For far too long, wetlands have been considered wastelands. They have been drained or filled and converted to other uses, often with technical and financial assistance through various Government programs, including those for navigation, flood control and agricultural development.

Listen to these statistics, Mr. President. Approximately one-half of the 215 million acres of wetlands that once existed in the lower 48 States have disappeared. Approximately one-half of those wetlands that were here when the Founding Fathers of this Nation came to America are gone. And the continued destruction of these areas poses a serious threat to the Nation's environmental and economic well-being.

A recent Department of the Interior study concerning the status and trends of wetlands in the United States found that current losses total 450,000 acres, or 715 square miles, every year. Over 9 million acres—an area twice the size of New Jersey—was lost in the 20-year period, from the 1950's to the 1970's, covered by the study.

Mr. President, this is not a matter solely for tree-huggers. This is not a matter solely for those who race around saying they are for the environment. No other person than the Honorable James Watt, former Secretary of the Department of Interior, whose environmental credentials were always under question, had this to say about the wetlands. "We hope that this proposal"—that was a proposal that he had come forward with S. 978, which he labeled, "Protect Our Wetlands and Duck Resources," so-called POWDR—

would focus widespread public attention on the continuing destruction of wetlands and would serve as the cornerstone for development of a comprehensive legislative program to conserve our valuable wetland resources. The responsibility for migratory birds was first established in 1916 by international treaty. From this beginning, wetlands protection has become a high Federal priority, not only because of the importance of wetlands to migratory birds, but also for the many other economic and environmental benefits that they provide.

Mr. Watt continues:

Last year, I became increasingly convinced that something had to be done to protect wetlands—not next year or 10 years from now. Unfortunately, not enough has been done in the 10 years since I last spoke on this issue. A single approach such as acquisition cannot succeed. The loss of wetlands must be protected and attacked on all fronts. I believe that our bill opens up a multiple approach for the attack that needs to be brought about in an aggressive manner.

That was what Mr. James Watt, Secretary Watt, had to say on the matter of wetlands.

Mr. President, as I have said before, the problem with Mr. Dawson is not his integrity. It is not his character. But it is his attitude toward these remaining wetlands that we have in our Nation. The difficulties with Mr. Dawson have been going on for some time.

Here is a letter that the Assistant Secretary for Fish and Wildlife and Parks, Mr. G. Ray Arnett, wrote to Mr. Dawson on November 7, 1984. The subject that they were discussing was a Memorandum of Agreement between the Interior Department the Corps of Engineers, which is deeply involved with the protection of wetlands under sec-

tion 404 of the Clean Water Act. That Memorandum of Agreement was unsatisfactory.

So the Assistant Secretary for Fish and Wildlife and Parks, Mr. Arnett, was seeking a change in that memorandum of agreement. He was getting no where with Mr. Dawson, who is the same gentleman whose nomination is up before us today. This is what Mr. Arnett had to say in his letter addressed to Mr. Robert K. Dawson, Acting Assistant Secretary of the Army for Civil Works.

DEAR BOB: For nearly 2½ years, our Departments have been involved in exchange of views relative to the Department of Army's implementation of our interdepartmental memorandum of agreement. It is now abundantly clear that further discourse on this issue is pointless, and that the Army's regulatory program is so flawed it is no longer a usable tool to adequately protect wetlands.

Mr. President, that is pretty tough language from the man who is the Assistant Secretary of Interior with jurisdiction over fish and wildlife and parks. This is what he said to the Acting Assistant Secretary of the Army, Mr. Dawson.

The Army's regulatory program is so flawed it is no longer a usable tool to adequately protect wetlands.

Based on that statement and the efforts that were made by Mr. Arnett to try to reach a Memorandum of Agreement that would adequately care for the wetlands of the Nation, I, as chairman of the Environmental Pollution Subcommittee of the Committee on Environment and Public Works, started some hearings earlier this year with Mr. Dawson and asked him to come before us to find out what the difficulty was in reaching this Memorandum of Agreement between the Interior Department and Mr. Dawson and also an agreement between EPA and Mr. Dawson. Both of those agreements had run into great difficulty.

This is what Mr. William Ruckelshaus had to say in a letter of June 1984, in which he wrote to Mr. Dawson's superior, the Secretary of the Army, the Honorable John O. Marsh. He was dealing with a Memorandum of Agreement between the Environmental Protection Agency and the Corps of Engineers. Mr. Ruckelshaus sought modifications. These are some of the points he made:

The Memorandum of Agreement—now we are talking about the Memorandum of Agreement between the Corps of Engineers and EPA—should explicitly allow regional administrators to delegate significant authority for letters commenting on, recommending modification of, objecting to permit applications, or requesting an extension of time or additional information. This is essential to proper management within EPA.

Mr. Ruckelshaus, who I think is as esteemed an Administrator of the Environmental Protection Agency as we have ever had, was complaining that these powers that the regional administrators within EPA needed just were not granted under the Memorandum of Agreement.

He talked of lack of interim levels of appeal. This is further what he said. "We find a direct elevation." That is an elevation up to the Assistant Secretary of the Army, bringing the matter up where there was concern, was terribly important, and that was necessary to comply with the recommendations of the Vice President's task force. They did not want it all the time. They wanted decisionmaking kept as much as possible at the field level but they wanted this power to bring very important cases up to the attention of the Assistant Secretary of the Army when required. And that was not granted in the existing Memorandum of Agreement between Army and EPA.

Mr. President, we had Mr. Dawson before our committee. We said, "Why can you not reach these Memorandum of Agreement with EPA, and with the Fish and Wildlife Service? We went through a hearing on May 21, and he said he was going to work on it. We said, all right. You come back. We will see what progress you made."

So he came back on June 10, 3 weeks later, with not much progress. We had him back on July 15, 4 weeks later. There was no progress. We had him back on September 18—8 weeks later. Mind you, the third hearing that we had was on July 15. We said come on back again. We are going to get this thing resolved. We had him back on September 18. We did not make much progress there either.

Finally, Mr. President, just before Mr. Dawson comes up for confirmation on this floor, the Memorandums of Agreement were finally reached with the EPA and the Fish and Wildlife Service. That was in November. It took us from May to November, which is 6 months, in order to get them to reach a Memorandum of Agreement that would do something to protect the wetlands of this Nation.

That is part of the problem. To say that we had to overcome objections from Mr. Dawson would be the understatement of the year.

This is what Mr. Bill Clark had to say about this same subject when he became Secretary of the Interior after Mr. Watt. He wrestled with the same problem with Mr. Dawson. Secretary Clark said:

I believe that both regulatory relief and environmental protection can be achieved in the Corps' permit program. The current Memorandum of Agreement has taken a large step in the direction of regulatory relief by strictly circumscribing the timeframe for the elevation program.

In other words, what Mr. Clark was saying is OK, we wanted regulatory relief. That is what the Vice President's task force was all about. And the key figure on the task force dealing with this particular subject of wetlands and the Memorandum of Agreements was none other than Mr. Dawson. He wrote the task force recommendations under this regulatory relief process. He set up the guidelines. Sure, they achieved the shortcuts. They reduced the time of waiting but at the sacrifice of the wetlands and the environmental protection that is necessary.

Secretary Clark said:

My wish is that changes in the Memorandum of Agreement will bring environmental protection into balance with regulatory relief.

The reason I am citing this background, Mr. President, is to show the tremendous thrust that was on from Mr. Arnett, from Secretary Clark, and from Administrator Ruckelshaus. All of these people sought these changes. You would think with all of these people concerned with the wetlands, with the environmental protection, be they in Interior, be they in the Environmental Protection Agency, you would think that there would be some recognition of the problems on the part of Mr. Dawson. But not at all.

Again, I repeat we went through these hearings trying to get Mr. Dawson to recognize that something had to be done. All we had over his head was the fact that we might oppose his confirmation.

Indeed, we appeared—some of us on the Environmental Pollution Committee—before the committee that had jurisdiction over Mr. Dawson's nomination, the Armed Services Committee, and pointed out these difficulties. And the nomination was held up in that committee.

That was further pressure on Mr. Dawson to try to reach satisfactory memorandum of agreements with these two other Departments.

Four hearings it took, 6 months of pressing, pressing, pressing, and finally an agreement that was satisfactory to Fish and Wildlife and EPA was reached.

That just shows you the stubbornness on the part of Mr. Dawson in trying to do something satisfactory to protect the environment under section 404 of the Clean Water Act.

Mr. President, because of this attitude, those of us who are in opposition to Mr. Dawson have decided to bring this opposition to the floor of the Senate. You might say, "Why are you not satisfied? You got the memorandum of agreements. He negotiated new ones. On behalf of the Corps of Engineers he entered into new agreements with the Fish and Wildlife Service and EPA."

That is true, but that is only part of the problem. The great portion of the problem deals with handling of other

aspects of section 404, which requires permits for discharges of dredged or fill material in wetlands and other waters. The problem of the destruction of the wetlands ties directly back to these discharges.

Section 404 says you cannot drain a wetland unless you have the permission of the Corps of Engineers, with EPA providing oversight. Whoever is the head of the Corps of Engineers sits on top of the decision of whether or not a wetland will be preserved or not preserved.

The attitude that Mr. Dawson has taken is a laissez-faire attitude.

For example, one of the key matters that comes constantly before his department is whether a wetland is within the jurisdiction of section 404; whether there is what they call a nexus of interstate commerce involved.

The Supreme Court of the United States has spoken time and time and time again on this subject. They have given the U.S. Government very broad powers to reach out and regulate activities affecting interstate commerce, no matter how trivial the impact is.

Mr. Dawson does not choose to follow those rulings that have come out of many cases before the Supreme Court. Instead, Mr. Dawson leaves it up to each of the districts of the Corps of Engineers and lets them flounder their own way along. He refuses to set forth precise guidelines consistent with the cases that have been cited by the Supreme Court.

It is that kind of attitude, Mr. President, that we find so alarming and so disturbing.

I know there are others who are going to speak on behalf of Mr. Dawson and they are going to speak on the fact that Mr. Dawson has been very cooperative in their States as far as the operation of the canals go, as far as the operation of the inland waterways. They have made out very well. Well, that is fine.

But Mr. Dawson has another jurisdiction and another concern, and that is this matter I have been discussing today. It is not solely the operation of some lock and dam. It is not solely the operation of some inland waterway or some canal. It is a matter that deals with a fundamental natural resource of the United States of America, particularly in the lower 48 States.

Mr. President, there have been series of national organizations that have spoken out against the confirmation of Mr. Dawson to this extremely important position.

From the National Wildlife Federation:

NOVEMBER 6, 1985.

DEAR SENATOR: We urge you to oppose the confirmation of Mr. Robert K. Dawson as Assistant Secretary of the Army (Civil Works).

The Assistant Secretary of the Army (Civil Works) is responsible for the Corps of Engineers' implementation of Section 404 of the Clean Water Act—the only Federal statute regulating the destruction of wetlands. Mr. Dawson is a particularly inappropriate choice as Assistant Secretary because his policies reflect his repeatedly-stated belief that Section 404 was not intended "to be a wetland protection mechanism." Mr. Dawson takes this view even though the Federal courts, the Justice Department, the Environmental Protection Agency, and Senators Stafford and Chafee, have continuously affirmed that Section 404 is specifically intended to protect wetlands.

We consider a vote on Mr. Dawson's nomination to be of major environmental importance and one of the most significant votes on wetlands protection in over eight years.

For these reasons our organizations strongly urge you to vote in opposition to the confirmation of Mr. Robert K. Dawson as Assistant Secretary of the Army (Civil Works).

Sincerely,

JAY D. HAIR,
Executive Vice President, National Wildlife Federation.

MICHAEL J. BEAN,
Chairman, Wildlife Program, Environmental Defense Fund.

I also have, Mr. President, a statement of the Bass Anglers Sportsman Society, the Environmental Defense Fund, the National Audubon Society, and the National Wildlife Federation, given before the Committee on Armed Services on September 12, 1985.

I ask unanimous consent that this statement, plus the previous letter, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE BASS ANGLERS SPORTSMAN SOCIETY, ENVIRONMENTAL DEFENSE FUND, NATIONAL AUDUBON SOCIETY, AND NATIONAL WILDLIFE FEDERATION

Mr. Chairman and Members of the Committee, the Bass Anglers Sportsman Society, Environmental Defense Fund, National Audubon Society and National Wildlife Federation present the following statement on the nomination of Mr. Robert K. Dawson for the position of Assistant Secretary of the Army for Civil Works.

Our organizations believe in the wise utilization of our nation's natural resources. Conservation of wetlands has been a particularly high priority of our members because of the vital role these areas play in the survival of many species of fish, wildlife, and shellfish and because of their importance in improving water quality, performing waste treatment, reducing the effects of floods and storms, and recharging underground water supplies. Recent estimates by the U.S. Fish and Wildlife Service (FWS) and the Office of Technology Assessment have underscored greatly the need for more effective conservation of the nation's remaining wetlands.

As Deputy Assistant Secretary of the Army (Civil Works) from May 1981 to May 1984 and then Acting Assistant Secretary (Civil Works) to the present time, Mr. Dawson has been largely responsible for the Army Corps of Engineers' implementation of Section 404 of the Clean Water Act, which is this nation's principal tool for conserving wetlands. The importance of the Section 404 program to the natural resources of our country and the role Mr. Dawson has played in shaping this program over the past four and a half years compel us to come forward today to present this statement. It is without precedent in the history of the National Wildlife Federation.

OUR POSITION ON CONFIRMATION OF MR. DAWSON

Our organizations oppose the confirmation of Mr. Robert K. Dawson as Assistant Secretary of the Army (Civil Works) in the strongest possible terms. We do not make such an unqualified recommendation lightly. For instance, the Federation has never before opposed a President's nominee for an executive agency. However, in Mr. Dawson's case there is a long substantive record available by which to judge his performance and commitment in implementing Section 404 of the Clean Water Act. Additionally, a number of the more troubling aspects of Mr. Dawson's record have been the subject of no less than three oversight hearings by the Senate Committee on Environment and Public Works. A fourth such hearing is scheduled for next week. This record shows that Mr. Dawson has an overt hostility to protection of wetlands under Section 404, a law that in fact is intended to protect wetlands and a law that he is sworn to uphold. For this reason our organizations oppose Mr. Dawson's nomination as the primary supervisor of the Army Corps of Engineers.

For example, Mr. Dawson presented written testimony and stated in oversight hearings on May 21, 1985 that:

"One significant point to recall is that the Congress did not design Section 404 to be a wetland protection mechanism and it does not function well in that capacity." [1]

". . . 404 is a poor mechanism to protect wetlands." [2]

"The Congress has never addressed the issue of wetlands jurisdiction . . . We believe the issue of wetland jurisdiction of the CWA demands appropriate legislative direction." [1]

These statements are inimical to the congressionally-identified goals of this key provision of the Clean Water Act, and they are at odds with the positions taken by the leadership of the Senate Environment Committee, which has jurisdiction over Section 404. Consider these responses by Senators John H. Chafee and Robert T. Stafford on June 10, 1985 to Mr. Dawson's testimony:

Senator CHAFEE. "Well, I don't know who told you that, Mr. Dawson, but you ought to read the legislative history of the 1977 Clean Water Act amendments. You can start on page 644 of the Senate volume, which reads, and I quote to you, . . . 'The unregulated destruction of these areas is a matter which needs to be corrected and which implementation of Section 404 has attempted to achieve.' " [3]

Senator STAFFORD. "My concern over this issue has been increased considerably by the testimony at the May 21st hearing that was given by Robert Dawson, the Acting Assistant Secretary of the Army for Civil Works, the civilian arm of the Corps of Engineers. I know Mr. Dawson disagrees, but as one Member of the Congress who has had more than a passing interest in the Clean Water Act of 1972 and 1977, I can assure Mr. Dawson that it was the intent of the Congress that wetlands are important and are to be protected under Section 404 of the Clean Water Act. For an agency as impor-

tant to this task as the civilian arm of the Army Corps of Engineers to hold otherwise is to frustrate the very goals of the Act." [3]

With regard to Mr. Dawson's position that "Congress has never addressed the issue of wetlands jurisdiction," the Justice Department of this Administration has stated in its brief before the Supreme Court that the "conclusion that it is 'not clear' that Congress wanted the Corps to exercise the broadest possible jurisdiction over the Nation's wetlands is simply untenable when examined in light of the legislative history." [4]

If there is any uncertainty that may exist over what waters are protected by Section 404 it is because of the statements and regulatory changes made by Mr. Dawson and others in the office of the Assistant Secretary. The Corps' Wilmington District Engineer said it best, "The prevailing uncertainty over jurisdictional extent of the law is perhaps one of our own making because of our seeking, through nationwide permits and other means, a justification for limiting the jurisdiction of the Clean Water Act to some boundary less than the full breadth of the wetlands found in the term 'all waters of the United States'." [5]

THE DAWSON RECORD

Mr. Dawson's positions regarding the Section 404 program not only are diametrically opposed to those of the leadership of the Environment and Public Works Committee and the Justice Department, they also have produced nearly continuous confrontation over the past four years with the Department of the Interior and the Environmental Protection Agency, as well as with many, and at times a majority, of the state fish and wildlife, natural resource and environmental protection agencies. Moreover, in the three hearings to date before the Senate Environment and Public Works Committee, Mr. Dawson has demonstrated a nearly complete intransigence toward problems in his administration of the Section 404 program that have been identified by the Committee, the Department of the Interior, and the Environmental Protection Agency. This refusal of Mr. Dawson to veer from his own, one-sided regulatory reform agenda regardless of its impact on the environment or its legal validity, has forced the Senate Environment Committee to schedule a fourth hearing on September 18 and to pledge that "We are just going to stick with this until we get these matters settled, . . . and get this program doing something." [3] The remainder of this statement documents the Dawson record and the adverse environmental effects of his approach to regulating activities in wetlands and other waters.

MR. DAWSON ATTEMPTED TO ELIMINATE THE WETLAND PROTECTION KEYSTONE OF SECTION 404

By law the Corps of Engineers shares with the Environmental Protection Agency the responsibility for protecting wetlands. Section 404(b)(1) prohibits the Corps from issuing permits for wetlands fills except in compliance with regulations promulgated by EPA. Section 404(c) authorizes EPA to prohibit any discharge site if the fill will have an unacceptable adverse effect on water supplies, fisheries, wildlife, or recreational areas. Notwithstanding express congressional intent that EPA play a major role in the 404 program, Mr. Dawson has continually attempted to shunt EPA aside in this zeal to grant permits.

In November 1982, then Deputy Assistant Secretary Dawson wrote EPA Assistant Administrator Eric Edisness with his request that EPA's Section 404 environmental regulations be relegated to an advisory status so that the Corps would no longer be bound by EPA's requirements in making decisions on permit applications. Such a change would greatly diminish EPA's role in the 404 program and relieve the Corps of having to insure that proposed projects satisfy objective environmental criteria. But Mr. Dawson did not stop with that sweeping request. He went on to request deletion of the presumption that upland sites are available for non-water dependent activities—the operational heart of EPA's regulations—and more:

"Section 230.10(a)(3) states that upland alternatives are presumed to be available for non-water dependent activities. Because of the serious disputes about the meaning of the term and the absence of statutory support, the presumption should be dropped."

"That same section contains another presumption that discharges at upland sites have less adverse impacts than discharges in aquatic ecosystems. This presumption carries with it substantial risk that objective review would be jeopardized. . . . Absent a statutory requirement, imposing such presumptions goes well beyond the principles of good government . . ."

"We can see no justification, for example, to include definitions which appear more appropriately in Army regulations, nor to include the presumptions noted in 2 above, mitigation policy, nor policy on examination of alternatives." [6]

Simply put, Mr. Dawson argued for abolishing the key test in Section 404 permit evaluations which prohibits the unnecessary destruction or alternation of wetlands where practicable alternative sites are available or where the project need not be located in a wetland to meet its objectives (i.e., is not water dependent). For example, the construction of a marina is water dependent, whereas the construction of a shopping mall is not. The immense value of wetlands and the stunning rate at which these resources are being destroyed certainly justify the presumption against development in wetlands. Further, private investors, aware of the presumption and difficulty it would cause in securing a Section 404 permit for certain projects that are not water dependent, have sought alternative sites. Thus, the present EPA environmental guidelines have influenced expectations. Changes in the guidelines, such as those recommended by Mr. Dawson, would alter those expectations and could undo the long-term protection of wetlands.

Nevertheless, Mr. Dawson undaunted, continues his attack on the water dependency test, testifying on May 21, 1985 that this fundamental precept of the Section 404 program "for the most part, serves little purpose in the analysis of an application under Section 404. It often confused the issues rather than promotes any objective analysis." [2]

Senator Stafford took strong exception to this in his Committee's hearing on June 10, 1985: "I also want to say, again in disagreement with Mr. Dawson, that it is the opinion of this Senator that the water dependency test is the keystone to the goal of preventing unnecessary destruction of wetlands. It serves an important purpose in the analysis of Section 404 permit applications. It is my view, for instance, that we should not be making it easier to fill wetlands for clearly non-water dependent purposes, such as construction of shopping malls." [3]

ATTLEBORO MALL: A DIFFERENT WAY TO DISMANTLE EPA'S ENVIRONMENTAL REGULATIONS

Unsuccessful at getting EPA to eviscerate its own environmental regulations, Mr. Dawson instead has supervised the re-interpretation of those regulations by the Corps of Engineers in the context of a specific permit application to build a mall in 30 acres of wetlands near Attleboro, Massachusetts.

Mr. Dawson met with the attorneys for the mall developer on July 10, 1984 and assured them that, unless new issues were raised, 70 days would be a reasonable time in which to expect approval of their permit application. In April 1985, Mr. Dawson met with the Massachusetts Association of Conservation Commissions and others to discuss the pending permit application for Attleboro Mall. A month later the Corps' New England Division Engineer decided that the Attleboro Mall permit should be denied because it was not water dependent and a viable, alternative upland site was available only three miles away. But before a final decision was made, Corps officials in Washington made the extremely rare request on April 24 to review the permit application. On May 31 the New England Division Engineer was directed to "reconcile your documentation with the guidance" from Washington and issue the permit, primarily because of the applicant's pledge to build a "replacement" wetlands somewhere else. [7]

Although Mr. Dawson was involved in at least two meetings concerning the Attleboro Mall permit application prior to April 24, he told Senator Chafee that "it was not my decision to call the matter forward, nor did I call it to my office to make the decision." [3] Given his prior involvement with the Attleboro Mall application, Mr. Dawson's attempt to separate himself from the decision to issue the permit strains his credibility. Indeed, it seems hard to believe that the Acting Assistant Secretary would trouble himself over the amount of time a permit application would take and not over the ultimate decision on the application.

The decision to issue the permit by Corps headquarters was based on the rationale that the applicant's offer of mitigation did away with the need to comply with the presumption in EPA's regulations that practicable alternatives for non-water dependent projects such as shopping malls are available unless clearly demonstrated otherwise. A study contracted by the New England Division Engineer demonstrated that such an alternative did exist. Instead the Attleboro Mall developers were allowed, in effect, to purchase an exemption from the requirements of EPA's environmental guidelines—a result remarkably consistent with Mr. Dawson's earlier recommendation that such requirements be dropped from the guidelines. In fact, to ignore the water dependency test and grant a permit based on a pledge to build a replacement wetland would turn Section 404 from a wetland protection statute into a wetland removal statute.

Once again Mr. Dawson's decision or, at the very least, his concurrence with the decision by Corps headquarters, is seriously at odds with the other federal agencies involved in the Section 404 program and the Senate Environment Committee. EPA has initiated action under 404(c) to decide whether to prohibit or restrict development of the mall, stating that the adverse impacts from the project are "unacceptable because they are avoidably." [8] EPA has initiated only eight such actions since 1972.

Senator Gordon J. Humphrey wrote in support of EPA's action on Attleboro Mall, stating that: "It is my view that Section 404 stands at the center of our national effort to preserve and protect some of our most valuable natural resources. As such it should be administered with those objectives in mind. However, it has become apparent that the Army Corps of Engineers has been less than committed to these important objectives. . . . *In the case of Attleboro mall . . . I find it particularly disturbing that this decision was made by the Washington headquarters, and that the decision was in direct conflict with the recommendations made by the Corps' New England Division.* . . . If we continue to issue permits for projects that threaten such needless destruction of wetlands and for which practical alternatives exist, then how long will it be before the nation's remaining wetland resources are all paved over for shopping malls, real estate development and highways? How many more Attleboro's or Westway's will there be? [9]

Craig Potter, former Acting Assistant Secretary of the Interior told the Senate Environment Committee on July 15, 1985 that "the Corps has said, water dependency aside, we believe you can mitigate fully to replace this marshland . . . The policy in past has been you wouldn't even address that issue if you didn't have a water dependent activity . . . The Fish and Wildlife Service's feeling is that a shopping mall is not a water dependent activity." [10]

Senator Chafee told Mr. Dawson on June 10 that a new precedent was being set by allowing this project to use "mitigation rather than the alternative site, even though it is not water dependent . . . I think we are getting off on a whole new dangerous road here." [3]

MR. DAWSON'S PROPOSED ASSAULT ON THE CORPS' SECTION 404 REGULATIONS

Mr. Dawson personally approved proposed regulatory changes in how the Corps regulates dredged or fill discharge activities in the nation's wetlands and other waters under Section 404 of the Clean Water Act. The proposed rules were published May 12, 1983 (48 *Fed. Reg.* 21466-21476).

Under the guise of seeking enhanced procedural efficiency, the Dawson proposal instead was an attempt at a major weakening and dismantling of the Section 404 program. The proposed rules were opposed strongly by 38 agencies in 33 states, the Environmental Protection Agency, virtually every major national conservation organization, many state and local organizations, professional organizations such as The Wildlife Society and American Fisheries Society, and more than 1,000 concerned scientists. The proposed rules, which may still be finalized, would:

1. Define terms within the definition of wetlands so that approximately two-thirds of the wetlands in the lower 48 states, or more than 60 million acres, currently protected by Section 404—e.g. bottomland hardwoods, shrub bogs, pocosins and others—would no longer be protected.

2. Strip the states of their ultimate authority to prevent the issuance of general permits that adversely affect the quality of waters within the state or that are inconsistent with state coastal zone management plans.

3. Distort permit review criteria by inserting inappropriate environmental criteria. For example, the proposal would presume, merely because a permit application is filed, that there is an economic need for the project.

4. Encourage the shortening of the public comment period on permit applications from 30 to 15 days and scrap the requirement that Corps' public notices for such applications alert the public of its right to request a public hearing.

But you don't have to take our word for the devastating impact that Mr. Dawson's regulations would have on the wetland protection and public participation provisions of Section 404. Senator John Heinz wrote Vice President Bush in September 1983 that "Among many questionable ideas, the Corps has proposed to define "wetlands" in a way that would entirely remove from federal oversight bottomland hardwoods, much tundra, and wetlands across the nation in the upper levels of floodplains. The Corps also would insert a host of new criteria into permit review that appear to promote development at the expense of environmental protection." [11]

Or consider this small sampling of what EPA and the 39 agencies in 33 states had to say:

North Dakota—"We particularly reject your facade of regulatory relief. Plain and simple, what you propose is the removal of necessary environmental safeguards for America's aquatic resources. This is particularly cruel because it comes at a time when the Supreme Court of the United States has declared our wetlands 'a national treasure of nearly the highest magnitude'." (Dale L. Henegar, Commissioner, North Dakota Game and Fish Department)

Ohio—". . . the overall effect of the proposed changes will be a serious weakening of the protection for the biological and chemical integrity of the nation's waters. The proposed changes would also constitute a breach of the statutory requirements of the Clean Water Act." (Ohio Department of Natural Resources)

Indiana—"It seems grossly inconsistent that the administration in Washington is strongly advocating wetland preservation, while the U.S. Army Corps of Engineers is attempting to abolish one of the most effective methods of wetlands protection. . . . The Assistant Secretary's proposal would "hamstring" the major protective measures intended to be utilized for the best public interest." (Edward L. Hansen, Director, Indiana Division of Fish and Wildlife)

Georgia—". . . the proposed changes will negatively impact fish and wildlife resources in Georgia . . . the proposed regulatory reforms have gone beyond the point at which they can continue to adequately protect fish and wildlife resources." (Georgia Office of Planning and Budget)

Massachusetts—"The Commonwealth of Massachusetts continues to be opposed to the apparent trend, reflected by the COE proposed regulations, toward the weakening and reduction of protection for the nation's wetlands . . . the newest revisions . . . will accelerate the loss of wetlands not only in Massachusetts but nationwide." (Massachusetts Executive Office of Environmental Affairs)

Illinois—". . . the changes being proposed . . . will seriously weaken the regulatory program . . . and reduce the protection currently being afforded the streams and wetlands of Illinois." (Illinois Department of Conservation)

Michigan—"The State of Michigan has and continues to object to the arbitrary actions of the Corps in considering that the state has waived certification requirements under federal statute based on promulgated rules." (Michigan Department of Natural Resources)

California—"The proposed definition is incomplete in terms of meeting the letter and intent of the CWA. . . . Considerable areas of forested bottomland swamps, tundra, etc. would no longer be considered wetlands." (Don Lollock, California Department of Fish and Game)

Environmental Protection Agency—"As currently proposed EPA believes this regulation would have environmentally unacceptable results. . . . Because the definitions contained in [the proposed regulation] determine the scope of jurisdiction of the Section 404 program and were proposed without our concurrence, these changes are inconsistent with the legal opinion of the Attorney General.'

Despite the strong and widespread opposition to Mr. Dawson's proposed revisions to the Section 404 program these regulations have not been withdrawn, and Mr. Dawson continues to maintain that some unspecified version of the proposal will still be finalized later this year.

The disastrous May 12, 1983 proposal wasn't the first time Mr. Dawson had provoked a confrontation with EPA, Interior, and the states. In 1982, he was involved in finalizing regulatory changes to the program that were opposed by Interior and EPA. Unfortunately, these agencies had only three days to review the final regulatory package before it went into effect. The adverse impacts of those regulations and Army's nearly complete disregard for the views of other federal agencies involved in Section 404, prompted Senator Chafee to hold a hearing on July 16, 1982. Senator Chafee concluded that hearing with a strong admonishment to Mr. Dawson: "You come in with a crusader spirit, Mr. Dawson, and Mr. Gianelli, your boss, in making it easier, quicker to get these permits. That is not the purpose of the program. The purpose of the program is to save the wetlands in the country. It is not to get permits as fast as you can get them. Sometimes these permits cannot be acquired, processed as quickly as possible. I notice, I think what you say, 60 to 70 days average for the noncontested permit, maybe that can be speeded up, but the objective is to preserve the wetlands of the country. That is the purpose of the Act." [12]

Apparently, Mr. Dawson wasn't listening.

MR. DAWSON'S REFUSAL TO REVISE ARMY'S MEMORANDA OF AGREEMENT WITH INTERIOR AND EPA

Although the Army has primary day-to-day responsibility for the 404 program, Interior (FWS), Commerce (National Marine Fisheries Service), and EPA also review 404 permit applications. Disagreement between these agencies and Army over the resource impacts of a permit may result in elevation of a permit to higher administrative levels within the Army for additional review. However, in 1982 Army and Interior, Commerce and EPA signed new Memoranda of Agreement (MOA) that greatly restricted the review agencies ability to protect fish and wildlife and water quality through additional permit review. Since the new agreement was signed, the Army has refused the majority of the requests by the federal resource agencies to elevate disputes to higher level officials.

Former Assistant Interior Secretary G. Ray Arnett has been a vocal and harsh critic of the MOA which has been in effect

between Army and Interior since July of 1982. EPA, under William Ruckelshaus and Lee Thomas, was so dissatisfied with its MOA with Army that EPA terminated it, an option Interior did not have in their agreement. Mr. Dawson, on the other hand has been a staunch supporter of the 1982 MOA with Interior and EPA and an insurmountable obstacle preventing revisions to provide adequate protection for the aquatic environment. For those who might question such conclusory statement, we offer the following record of correspondence by Mr. Arnett, various EPA officials and Mr. Dawson (emphasis added):

Arnett to Dawson (May 9, 1984): "While the district engineer may elect to issue a permit in spite of Service—documented losses, while stating his reasons for doing so, *we do not believe it is within his authority to contradict our biological findings and use this contradiction to help justify his decision.* This is an erroneous exercise in logic resulting in a flawed decision, and, if used in the future, will cause continued and needless resource losses." [13]

Dawson response (June 1, 1984): "Your agency's disagreement with the adequacy of that determination is a technical evaluation matter and is not a basis for elevating the decision under our 1982 Memorandum of Agreement (MOA)." [14]

Arnett to Dawson (August 10, 1984): "I am also disappointed that the changes I recommended in the MOA have been interpreted as contrary to the guidance of the Presidential Task Force Report on Regulatory Relief. . . . *I believe that environmental protection is deteriorating because of the deficiencies in the current MOA* and fear that you are following the Task Force recommendations without recognizing their dual goals. . . . I believe that the elevation requests have been eminently reasonable and justifiable, and are intended to protect the public interest in the fish and wildlife resources in question. Yet, *half of the elevation requests were summarily refused* by your agency. An elevation simply means the District Engineer's decision will be reviewed, not necessarily changed. Propriety, alone, would dictate your honoring my requests. *I know of no other instance wherein a simple* request of one department official to another is so perfunctorily denied." [15]

Dawson response (August 30, 1984): "However, *in the absence of a better indication of environmental harm,* we would be reluctant and I think ill-advised to make significant changes to *an effective agreement,* one which has provided the regulated public much more responsive government." [16]

Arnett to Dawson (October 2, 1984): "Bob, *the occurrence of so many individual projects where the Service has similar concerns* points out the need to review the Corps' environmental documentation and mitigation policies and their implementation. . . . The Service has special expertise in these areas and *its recommendation should not be arbitrarily rejected without cause.*" [17]

Dawson response (October 18, 1984): *The first issue you raise as a policy matter is that of adequate documentation. I am unaware that such a consideration is within the area of expertise of the FWS* or even that it is subject to policy discussions. . . . Additionally, as in the discussion of your first issue, adequacy of documentation is not a policy matter, it is established through regulation, and writing an SOF [Statement of Finding] is not an area of expertise of FWS." [18]

Arnett to Dawson (November 7, 1984): "For nearly two and a half years, our Departments have been involved in an exchange of views relative to the Department of the Army's (Army) implementation of our interdepartmental Memorandum of Agreement (MOA). *It is now abundantly clear that further correspondence on this issue is pointless and that Army's regulatory program is so flawed, it is no longer a useable tool to adequately protect wetlands.*

"Furthermore, *of the 23 permits for which elevation was requested but rejected by Army, four have resulted in lawsuits and four have resulted in Section 404(c) actions based on environmental grounds.* This hardly results in a streamlined, timely, or predictable regulatory program, and these were primary goals of the Vice President's regulatory relief efforts." [19]

Dawson response: None

Arnett to Dawson (December 17, 1984): *"Your letter* [October 18, 1984] *esssentially "brushes off" the concerns that I believe were carefully documented in my letter,* and this is symptomatic of the lack of agreement we have regarding the procedures outlined in the 1982 indepartmental Memorandum of Agreement."

"I disagree with your findings concerning all of the major points that were addressed in my letter of October 2, 1984. . . . Regarding the issue of insufficient coordination, *your response appears to contravene the intent of the Fish and Wildlife Coordination Act* (FWCA). . . . *Your assertion that environmental documentation is not an area of expertise of the Service astounds me,* and I refer you again to the FWCA."

Furthermore, *I cannot believe that you would condone sloppy decisionmaking or the "shortchanging" of commenting agencies by allowing such pitiful examples of decision documentation to see the light of day.* . . . Will you kindly review this letter and my letter of October 2, and provide a response that is "on target"?" [20]

Dawson response: None

Five months later before the Senate Environmental Committee in May 1985, Mr. Dawson remained steadfast in his refusal to revise the principal flaws in the MOA with Interior. Former Assistant Interior Secretary Arnett returned to testify at that hearing that the present MOA "prevented adequate protection of the environment." [2] Two months later on July 15, 1985 in the third oversight hearing on Section 404, Acting Assistant Interior Secretary Craig Potter reported that on the key MOA issues they were still at "an impasse" with Mr. Dawson.[10]

Mr. Arnett and Mr. Potter are not alone in their belief that the MOA championed by Mr. Dawson must be revised. Former *Interior Secretary William Clark* wrote Mr. J. Ron Brinson, President of the American Association of Port Authorities that "the 1982 MOA has resulted in a thirteenfold increase in elevations of permit decisions. Under the 1980 MOA, only 1.3 cases per year required resolution at the Washington Office level, while in the first year of the 1982 agreement, 15 cases required action by both Assistant Secretaries. My wish is that changes in the MOA will bring environmental protection into balance with regulatory relief." (emphasis added) [21]

EPA Deputy Regional Administrator, Region I, wrote Assistant Administrator for External Affairs, Josephine Cooper, in December 1983 that "The Army interpretation of the MOA is unreasonable and counterproductive."[22] EPA's Region V Water Division Director, Charles Sutfin, wrote his Deputy Regional Administrator that same month that "It could be argued that the 404(q) MOA is designed in such a manner as to preclude the USEPA from having any meaningful involvement in the 404 permit program. Its restrictions on review times, extension of comment periods, and the scope of the USEPA's review of proposed projects are unwarranted and detrimental to the goals and objectives of the Clean Water Act."[23] One year later EPA terminated its MOA with Army after unsuccessfully seeking revisions from Mr. Dawson.

At the May 21, 1985 hearing before the Senate Environment Committee, Ms. Cooper testified for EPA that "We have been negotiating with the Army since the memorandum lapsed on December 1, 1984 but have not yet reached agreement."[2] Two months later at the July 15 hearing Mr. Richard Sanderson, Acting Assistant Administrator for External Affairs, like Mr. Potter, testified that EPA also had "not been able to find an area of agreement" with Mr. Dawson on the two key MOA issues.[10]

Through all of the lengthy dispute over the MOA, Mr. Dawson has maintained that Interior Secretary Clark, Assistant Interior Secretaries Arnett and Potter, EPA Administrators Ruckelshaus and Thomas, and Senators Chafee, Stafford, and Mitchell are wrong in their assessment that the present MOA must be revised to provide adequate environmental protection. The controversy surrounding the MOA is their fault, not his. They have prevented a resolution of the conflict, not him.

We find that contention absurd and revealing about Mr. Dawson's ability to work with other Administration officials in a multiagency environmental program like Section 404.

In contrast to the Clean Water Act's express prohibition of unpermitted discharges of all fill material in waters of the United States, Mr. Dawson refuses to revise Army's definition of fill material which exempts discharges of fill that are accidental or that are "primarily to dispose of waste." Mr. Dawson contends that such fills should be regulated under Section 402 of the Clean Water Act and the NPDES program for effluent limitations. Nothing in the Clean Water Act indicates a congressional intent to exclude such discharges from Section 404 regulation and, in fact, the Army definition is in violation of the plain language of Section 404(a) and as such is invalid. Yet the only reason Mr. Dawson offered at the June 10 oversight hearing before the Senate Environment Committee for refusing to modify Army's limited definition of fill material was "we feel we have the expertise to deal with the fill question when that is the primary purpose." However, Mr. Dawson did concede that "it is not always easy to say what that primary purpose is and what may be an initial primary purpose may evolve into some other purpose later on." [3]

Mr. Dawson's contention that solid waste fills are regulated under Section 402 is belied by Assistant Administrator Cooper's insistence that EPA's "position has been consistently that fill should be regulated under Section 404, whatever the purpose of that fill." [3] EPA maintains that Mr. Dawson's "primary purpose" test is unworkable administratively because the "primary purpose" in any given situation may be unidentifiable. In addition, the test makes no sense because adverse environmental impacts from a fill are unrelated to the discharger's

intent and therefore the line drawn by Mr. Dawson is arbitrary.

Mr. Dawson inherited this dispute over solid waste disposals in wetlands and other waters, but he has presided over Army's continued refusal to regulate these discharges for the past four and a half years and they remain largely unregulated to this day. Moreover, in a sworn statement in U.S. District Court dated June 1984, Mr. Dawson stated that Army and EPA would publish a joint definition of fill material in May 1985. No such definition has appeared and on July 15, 1985 Mr. Dawson told Senators Chafee and Mitchell that a proposed definition would not be available until January 1986. In the meantime, Army, under Mr. Dawson's direction, steadfastly refuses to regulate discharges of fill material where the primary purpose is to dispose of waste.

MR. DAWSON'S JURISDICTIONAL DEREGULATION OF ISOLATED WETLANDS

Thirteen years after passage of Section 404, ten years after the landmark court decision in *NRDC* v. *Callaway*, and eight years after Congress expressly stated that Section 404 applies to wetlands without limitation, Mr. Dawson, as noted at the beginning of this statement, maintains that the limit of Army's jurisdiction over wetlands is unclear. Mr. Dawson invokes this supposed jurisdictional uncertainty as a means of avoiding regulations of wetlands filling. On June 10, 1985, Senator George Mitchell told Mr. Dawson, "the Corps has taken what can only be described as an increasingly narrow view of its jurisdiction in this area and has adopted what I think are policies that are clearly inconsistent with the law. . . . failure to assert jurisdiction in repeated instances in which it may exist, in which I believe and others believe it does exist, is certainly narrowing of jurisdiction." [3]

One area which Mr. Dawson apparently has found particularly fertile for this type of jurisdiction deregulation is the protection of isolated wetlands. Under Section 404, the jurisdiction over such waters extends to the furthest extent of the Commerce Clause in the Constitution (the basis for virtually all federal regulatory statutes). The Supreme Court has reviewed scores of federal statutes to determine if they exceed Congress' power under the Commerce Clause and has *never* invalidated a statute in the last 50 years on such a ground. Moreover, *every* court but one has concluded that Congress intended in the Clean Water Act to assert federal jurisdiction over the nation's waters to the full extent of its constitutional power. The one exception is now before the Supreme Court, where the Justice Department of this Administration, as noted earlier, argues that any contention that "it is 'not clear' that Congress wanted the Corps to exercise the broadest possible jurisdiction over the Nation's wetlands is simply untenable . . ." [4]

Yet, Mr. Dawson told Senator Mitchell and other members of the Senate Environment Committee on June 10, 1985 that "[t]he problem, Senator, or what constitutes interstate commerce . . . is a very difficult legal definition." [3] An April 8, 1985 letter from Mr. Dawson to Senator Chafee maintains that "judicial rulings vary widely" on what constitutes interstate commerce.[24] This completely unsupported statement by Mr. Dawson generated this response by Senator Chafee on June 10, 1985, "I don't know at all that judicial rulings vary widely. I think they are consistent . . . You show me a case that has ever been won on the other side."[3] Mr. Dawson could not provide any.

At the third oversight hearing on July 15, 1985, Mr. Dawson was as uncertain as ever about whether Army's jurisdiction extended to isolated wetlands. His continuing doubts brought this strong rebuke from Senator Mitchell, "I just want to make this point, Mr. Dawson, which I made at the previous hearing. *You are required by law to administrate and enforce the law.* The only thing you have now in this area is a clear expression of Congressional intent to exercise jurisdiction under the commerce clause to the fullest extent permitted by law. Any reading of the background of this must inevitably lead to the conclusion that you should ascertain and implement jurisdiction over isolated wetlands for the reasons that have emerged during this question and answer period and the previous one. I think you have to do that. That is incumbent on any public official who has to enforce the law. *You may disagree with it . . . but you can't leave it up to every individual person implementing the law to decide whether it makes sense or is practical; whether it can or can't be done. In our system, that is a legislative determination. The legislature in this area has spoken.*"[10]

Mr. Dawson remains unconvinced that he is required to implement the law and assert jurisdiction consistently over isolated wetlands. He has so far refused requests by the Senate Environment Committee to provide guidance to field personnel on how to determine interstate commerce jurisdiction over isolated wetlands, leaving 37 Corps districts to decide what the U.S. Constitution means.

MR. DAWSON'S REFUSAL TO AMEND HIS ENVIRONMENTALLY HARMFUL NEPA REGULATORY PROPOSAL

As Deputy Assistant Secretary, Mr. Dawson signed proposed regulations to abbreviate substantially the Corps' NEPA regulations. Far from reorganizing and simplifying existing regulations, Mr. Dawson's proposal cuts back on the substantive law contained in the current regulations in such a way that will lead to more controversy, confusion, and litigation in the long run. Moreover, Mr. Dawson failed to demonstrate and document any need for a revision in the first place. EPA went so far as to request the Council on Environmental Quality (CEQ) to review the proposed regulations. On February 25, 1985, EPA Administrator Lee Thomas wrote the CEQ that "EPA's efforts to resolve our concerns with the Department of the Army have not proven successful . . . that major problems remain, and that the regulation would have unsatisfactory impacts on the quality of the environment." Administrator Thomas added that "these revisions would have an adverse effect on EPA's program to review significant environmental impacts of proposed Federal actions under Section 309 CAA [Clean Air Act], and to prevent unacceptable adverse effects of dredge and fill discharges under Section 404 of the Clean Water Act (CWA). We believe these changes would increase the likelihood of coordination problems between EPA and the Corps." [25]

Mr. Dawson's reponse to this review by CEQ, like his response to the regulation of solid waste and problems with the MOA, has been to stall. He has requested four extensions of time to date to respond to EPA's critisms of his regulatory proposal. The latest extension gives Mr. Dawson until September 30, 1985. Is Mr. Dawson waiting to be confirmed before he responds?

CONCLUSION

The Assistant Secretary of the Army (Civil Works) is a key figure in this nation's efforts to conserve our valuable wetland resources. Mr. Dawson has shown himself unwilling to administer and enforce the laws governing his agency.

The record of his performance over the past four and a half years demonstrates fundamental opposition to the goals of the Clean Water Act. His positions on wetland protection under Section 404 have been at odds with the other key officials in this Administration charged with similar responsibilities. He has succeeded only in producing unprecedented levels of confrontation with the state and federal agencies which share a role in the Section 404 program.

Consequently, the Bass Anglers Sportsman Society, Environmental Defense Fund, National Audubon Society and National Wildlife Federation urge this Committee to vote in opposition to the confirmation of Mr. Robert K. Dawson as Assistant Secretary of the Army (Civil Works).

FOOTNOTES

[1] Testimony of Robert K. Dawson, Acting Assistant Secretary of the Army (Civil Works), before the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works, May 20, 1985.

[2] Hearings before the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works, May 21, 1985.

[3] Hearings before the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works, June 10, 1985.

[4] U.S. Brief before the Supreme Court in *U.S. v. Riverside Bayview Homes, Inc.* at 27.

[5] Letter, Wilmington district Engineer to Hobart Truesdale, President, First Colony Farms, February 26, 1982.

[6] Letter, Robert K. Dawson to Eric Eidsness, November 17, 1982.

[7] Letter, Major General John F. Wall to commander, New England Division, May 31, 1985.

[8] U.S. EPA Region I Press Release, August 13, 1985.

[9] Letter, Senator Gordon J. Humphrey to Michael R. Deland, Administrator, EPA Region I, August 27, 1985.

[10] Hearings before the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works, July 15, 1985.

[11] Letter, Senator John Heinz to Vice President George Bush, September 9, 1983.

[12] Hearings before the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works, July 16, 1982.

[13] Letter, G. Ray Arnett to Robert K. Dawson, May 9, 1984.

[14] Letter, Robert K. Dawson to G. Ray Arnett, June 1, 1984.

[15] Letter, G. Ray Arnett to Robert K. Dawson, August 10, 1984.

[16] Letter, Robert K. Dawson to G. Ray Arnett, August 30, 1984.

[17] Letter, J. Craig Potter to Robert K. Dawson, October 2, 1984.

[18] Letter, Robert K. Dawson to G. Ray Arnett, October 18, 1984.

[19] Letter, G. Ray Arnett to Robert K. Dawson, November 7, 1984.

[20] Letter, G. Ray Arnett to Robert K. Dawson, December 17, 1984.

[21] Letter, William Clark to J. Ron Brinson, September 12, 1984.

[22] Memo, Paul S. Keough, Region I EPA, to Josephine Cooper, December 6, 1983.

[23] Memo, EPA Region V, Charles H. Sutfin to Alan Levin, December 23, 1983.

[24] Letter, Robert K. Dawson, to Senator John H. Chafee, April 8, 1985.

[25] Letter, Lee Thomas, Administrator, EPA, to Alan Hill, Chairman, Council on Environmental Quality, February 25, 1985.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, November 6, 1985.

DEAR SENATOR: We urge you to oppose the confirmation of Mr. Robert K. Dawson as Assistant Secretary of the Army (Civil Works).

The Assistant Secretary of the Army (Civil Works) is responsible for the Corps of Engineers' implementation of Section 404 of the Clean Water Act—the only Federal statute regulating the destruction of wetlands. Mr. Dawson is a *particularly inappropriate choice* as Assistant Secretary because his policies reflect his repeatedly-stated belief that Section 404 was not intended "to be a wetland protection mechanism." Mr. Dawson takes this view even though the *Federal courts*, the *Justice Department*, the *Environmental Protection Agency*, and Senators *Stafford* and *Chafee*, have continuously affirmed that Section 404 is specifically intended to protect wetlands.

We consider a vote on Mr. Dawson's nomination to be of major environmental importance and one of the most significant votes on wetlands protection in over eight years.

For these reasons our organizations strongly urge you to vote in opposition to the confirmation of Mr. Robert K. Dawson as Assistant Secretary of the Army (Civil Works).

Sincerely,

JAY D. HAIR,
Executive Vice President,
National Wildlife Federation.
MICHAEL J. BEAN,
Chairman, Wildlife Program,
Environmental Defense Fund.

Mr. CHAFEE. The statement sets forth in detail the statement by the organizations I have just mentioned, detailing their objections to the confirmation of Mr. Dawson.

Mr. President, I have a letter from the Izaak Walton League of America.

THE IZAAK WALTON
LEAGUE OF AMERICA,
November 7, 1985.

DEAR SENATOR: We are writing on behalf of the members of the Izaak Walton League of America to convey the organization's opposition to the nomination of Robert K. Dawson to the position of Assistant Secretary of the Army (Civil Works).

The IWLA is a national conservation organization formed in 1922 to promote the conservation of America's natural resources. The protection of the nation's dwindling wetlands has been a top priority of the League for over 60 years and remains so today for the 50,000 fishermen, hunters and conservationists who are members. It is this long established concern for these resources and the vital role wetlands play in maintaining the integrity of other natural resources that compels us to oppose this nomination.

For over four and one-half years, Mr. Dawson, while serving as Deputy Assistant Secretary of the Army (Civil Works) and more recently as Acting Assistant Secretary of the Army (Civil Works), has had primary responsibility for the Army Corps of Engineers, implementation of Section 404 of the Clean Water Act, this nation's principal regulatory tool for protecting wetland resources from needless destruction. In that capacity, Mr. Dawson has consistently sought to weaken the effectiveness of the Army Corps of Engineer's Section 404 permitting program. He has administratively attempted to eliminate Section 404 jurisdiction from over two-thirds of this nation's wetlands (60 million acres) through revised regulations, creative interpretation of the Commerce Clause and the use of general nationwide permits. Mr. Dawson has refused to recognize that it is the intent of Congress that Section 404 protect wetlands from degradation due to the deposit of dredge and fill materials. He has also refused to acknowlege the importance of environmental concerns raised by EPA and the U.S. Fish and Wildlife Service during the Corps permit review process.

It is Mr. Dawson's established record of undermining the goals of the Clean Water Act and the protection of wetlands that compels the League to take this highly unusual step of opposing a Presidential nominee. We ask that you also oppose Mr. Dawson's confirmation when it comes to the Senate floor.

We would like to express our appreciation for your attention to this matter. The pending appointment carries significant implications to the nation's future ability to protect the remaining wetland resources. If we can be of any assistance, please contact us.

Sincerely,

DALE BRENTNALL,
National President.
JACK LORENZ,
Executive Director.

You might note in this letter that the Izaak Walton League of America notes that it is extremely unusual for them to oppose a Presidential nominee.

It also is my understanding that the National Wildlife Federation has never opposed a Presidential nominee to head an executive agency before. In other words, that is the extent of the concern; and of the alarm that the National Wildlife Federation feels. For the first time in their history, they come forward to resist the appointment of a Presidential nominee.

Mr. President, I should like to read another letter, dated November 12, 1985:

COAST ALLIANCE, ENVIRONMENTAL POLICY INSTITUTE, IZAAK WALTON LEAGUE, NATIONAL AUDUBON SOCIETY, SIERRA CLUB,
November 12, 1985.

DEAR SENATOR: The undersigned national environmental organizations want you to know the reasons for our strong opposition to the appointment of Robert K. Dawson to the position of Assistant Secretary of the Army—Civil Works, and why we are taking the unusual step of asking you to vote against his confirmation. Each of the groups signing this letter has been actively involved in the protection of wetlands around the country. Most of the undersigned organizations rarely oppose a nominee for federal office. Yet, we collectively view the pending confirmation of Mr. Dawson to administer the wetlands permitting program with such alarm that we feel compelled to speak out in opposition.

This is not a case of a nominee with no track record in the job for which he has been nominated; Mr. Dawson deserves no benefit of the doubt. The bill of particulars against Mr. Dawson is lengthy and condemnatory. During his tenure at the Department of the Army, first as deputy, now Acting Assistant Secretary for Civil Works, he has pursued an agenda dedicated to the destruction of the wetlands permitting program. The highlights of this record are summarized below:

In 1983, Mr. Dawson signed proposed changes to the Corps of Engineers wetlands permitting regulations that will deregulate two-thirds of the nation's wetlands if issued in final form.

Imagine that, Mr. President. Everybody who has the least concern for the environment or even the economic welfare of the Nation says wetlands are important. They are terribly important to the whole chain of life, whether for fisheries or for ducks—no matter what it is. Yet, Mr. Dawson seeks to remove the Corps of Engineers' permitting regulations from two-thirds of the wetlands. I do not know who is going to be left to provide some regulations for the wetlands if the Corps of Engineers is removed from the permitting process.

Mr. Dawson's signed proposed changes to the Corps' regulations implementing the National Environmental Policy Act that would have such "unsatisfactory impacts on the quality of the environment" that the Environmental Protection Agency referred the matter to the Council on Environmental Quality for resolution.

The repeated refusal of the Department of the Army to conduct further review of the fish and wildlife impacts on wetlands affected by the prospective issuance of § 404 permits led former Interior Department Assistant Secretary for Fish, Wildlife, and Parks G. Ray Arnett to conclude that "Army's regulatory program is so flawed, it is no longer a usable tool to adequately protect wetlands."

The FWS concluded in a 1983 Report for the Lower Mississippi Valley and in a 1984 Report for northern New Jersey, based on a review of permits issued between 1980 and 1984, that there has been a nearly total failure of the §404 Program to protect wetlands.

Despite a sworn affidavit by Mr. Dawson, entered in *National Wildlife Federation* v. *Marsh*, U.S. District Court for the District of Columbia, Docket No. 82-3632, the Department of the Army has failed to promulgate a definition of what constitutes fill with the result that unregulated toxic contaminated fill continues to be discharged into wetlands.

Mr. Dawson stated in his May 20, 1985 testimony before the Senate Environmental Pollution Subcommittee that Congress did not design §404 to be a wetland protection mechanism, and, in a September 19, 1985 letter to Congresswoman Sala Burton that the program does not protect "seasonal" or "isolated" wetlands, effectively deregulating hundreds of thousands of prairie potholes, playa lakes, pocosin swamps bottom land hardwood swamps, and Alaska tundra.

It is clear from this record that Mr. Dawson's continued administration of the 404 Program will lead to further significant wetland losses. Nothing in his record to date indicates the contrary. In short, Mr. Dawson has shown himself to be an adversary of the very program as Assistant Secretary of the Army for Civil Works he would be asked to head and enforce.

For these reasons, we ask you in the interest of protecting these critical, diminishing natural resources to vote against the confirmation of Robert K. Dawson.

Peter C. C. Berle, President, National Audubon Society; Jack Lorenz, Izaak Walton League; Louise Dunlap, Presi-

dent, Environmental Policy Institute; Dough Wheeler, Executive Director, Sierra Club; Sara Chasis, Chairperson, Coast Alliance.

Mr. President, we have a telegram from the American Fisheries Society. This is a copy of a telegram sent to Senator BARRY GOLDWATER, chairman of the Armed Services Committee:

DEAR SENATOR GOLDWATER: The American Fisheries Society opposes confirmation of Robert Dawson as Assistant Secretary of the Army. Mr. Dawson's record convinces us that his confirmation is not in the best interest of this Nation's fishery resources, we respectfully request that you oppose his confirmation.

CARL SULLIVAN,
Director, American Fisheries Society.

We have a letter addressed to me from the Garden Clubs of America:

DEAR SENATOR CHAFEE: As Chairman of the National Affairs and Legislation Committee of the Garden Club of America, I am writing to urge you to oppose the nomination of Mr. Robert K. Dawson to be Assistant Secretary of the Army (Civil Works).

Based on Mr. Dawson's past actions as Deputy Assistant Secretary and Acting Assistant Secretary in interpreting Section 404 of the Clean Water Act, we feel that if he is confirmed the mandate of Congress to protect wetland areas (a primary water supply across the nation) would be compromised. Mr. Dawson's policies of the last few years have been aimed at dismantling the environmental protections built into Section 404. This nation simply cannot afford to have such a nominee continue to control already endangered environmental regulations.

Please give very careful consideration to this issue. The future of our nation's wetlands depend on your vote. Thank you for your attention.

Sincerely yours,

Mrs. WINSOME MCINTOSH,
Chairman.

We have a letter from the International Association of Fish and Wildlife Agencies, addressed to me as chairman of the Environmental Pollution Subcommittee, dated September 17, 1985:

DEAR MR. CHAIRMAN: The International Association of Fish and Wildlife Agencies, representing the 50 State fish and wildlife management agencies, has grave concerns on how Section 404 of the Clean Water Act is being implemented by the U.S. Army Corps of Engineers. The Corps has adopted internal policies that seriously theaten fish and wildlife conservation nationwide. We solicit your support in getting the Corps to change these policies.

Specifically, the most damaging policy was cited in a May 17, 1985, letter from Chief of Engineers Lt. Gen. Heiberg to Brig. Gen. Dacey in which Gen. Heiberg supported Acting Assistant Secretary of the Army Dawson's policy to the effect that: "In the public interest review, once a District Engineer determines that it is in the public interest to issue a (404) permit, all of the factors having been considered, no other conditions (e.g. mitigation) can be required."

In practice, this has meant that whenever any Corps District Engineer has determined, for whatever reasons, that a project requiring a 404 permit is in the public interest, mitigation of adverse impacts on fish and wildlife is not required. In some other instances, mitigation specified as a condition for a 404 permit has been left to the discretion of the applicant as to whether or not it would be done. These procedures are unacceptable to State fish and wildlife agencies. They violate the principle of both the Fish and Wildlife Coordination Act and the National Environmental Policy Act, not to mention that they seriously undermine State wildlife management efforts.

We urge action by your subcommittee insuring abandonment by the Corps of its anti-mitigation policies and replacement with provisions that consider wildlife as beneficial public resources that will receive equitable treatment in all its dealings, including 404. The Corps policy should be directed at full and creative mitigation of impacts adverse to fish and wildlife resources, and mitigation specified as a 404 permit condition should be uniformly enforced rather than leaving compliance to the discretion of the applicant.

I might say here, Mr. President, that the term "mitigation," means that, if through some circumstance it is absolutely required that some action be taken detrimental to a wetland, efforts must be made to offset that damage or wetlands of a similar nature must be protected or constructed nearby. Now, how effective mitigation is is open to question, but it is being tried as a substitute for wetland destruction when absolutely necessary and indeed such matters do come up now and then.

We are also gravely concerned that the protection provided to natural resources under Section 404 (b.1) Guidelines and Section 404 (c) will be negated by the Corps' recent interpretation of the public interest process. It appears that EPA's responsibility to protect water supplies, wildlife, shellfish, fisheries, and recreational resources can be effectively ignored or over-ridden by the Corps without a proper forum for challenging a public interest determination. This appears to be a clear violation of EPA's legal responsibility to prohibit or restrict the improper use of any discharge site under Section 404 (q) of the Clean Water Act.

Senator Chafee, we request that our concerns and interests be addressed in your subcommittee oversight hearing on the Corps of Engineers 404 policies and procedures scheduled for September 18. We stand by to assist you in any way we can. Thank you.

Sincerely,

JACK H. BERRYMAN,
Executive Vice President.

I have in hand, Mr. President, an article from the New York Times of November 10, 1985, by Mr. Philip Shabecoff, who, as most of us know, has been involved in writing about environmental matters for a good number of years for the New York Times. In this article he sets forth the efforts that citizens all over this country are making to preserve the environment of our Nation, and especially those areas that are called wetlands that so many are striving with such vigor and energy and constructive effort to save. In this article he mentions:

The wetlands debate has complicated Senate consideration of President Reagan's nomination of Robert K. Dawson as Assistant Secretary of the Army for civil works. The Corps of Engineers has been given broad responsibility to carry out the Clean Water Act's mandate for protecting wetlands, and environmental groups say that as Deputy Assistant Secretary, Mr. Dawson has neglected wetlands protection in an effort to ease the burden of regulations on developers.

Mr. President, I ask unanimous consent that each of these documents be included in the RECORD at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 10, 1985]

PROTECTING WETLANDS FROM CARS, PEOPLE AND ECONOMICS

(By Philip Shabecoff)

AGAWAM, MA.—Ringed by scarlet-leafed maples, birches adorned with bright yellow and oaks in rich brown, Leonard Pond is an almost postcard-perfect picture of autumnal New England. But like the migrating Canada geese browsing noisily on its algae-flecked waters, Leonard Pond may soon vanish. The Massachusetts Highway Department is planning to widen Route 57, which links Agawam to Springfield, flinging four lanes of pavement through the wetland from which the pond draws its water.

Francis E. Burke, the department's assistant highway design agent, concedes that the road would obliterate "some very nice wetland." But, he says, in deciding when and where to build highways, "they have to take into consideration everything else, such as traffic, people and economics." And, he adds, a new, artificial wetland will be created to replace the natural one. Dorothy A. Nelsen, an Agawam town council member, agrees that the highway extension is necessary for economic growth, but asks why it could not be rerouted northward. Muriel White, a leader of the effort to save the wetland, adds that there has never been a proper study of the project's environmental impact.

Similar struggles are being fought from Alaska to Florida as citizens' groups and, sometimes, local and state governments work to save dwindling wetlands. Few participants on either side of such disputes deny the virtues of marshes, bogs, swamps, prairie potholes, estuaries and tidal flats. They provide breeding grounds for fish and waterfowl and vital habitats for a variety of other wildlife; they prevent floods by sopping up moisture, they filter pollution and recharge water tables. But year after year, wetlands are being eliminated by everything from farm plowing to shopping malls and housing developments. One case has ended up in the United States Court of Appeals in San Francisco. A farmer, Robert Akers, is seeking to overturn a Federal ban on draining nearly 3,000 acres of wetland near Northern California's Lassen Valley to plant grain. The wetlands are a habitat for Canadian cackling geese. Mr. Akers argues that the Government has no right to make him obtain a permit to drain his own land.

In Attleboro, Mass., not many miles east of here, the Army Corps of Engineers approved a developer's plan to build a shopping mall over a swamp. That approval came over the objection of a Corps official who wrote in a report: "The need to fill Sweden's Swamp in the final analysis is basically the need of one developer to realize a profit by converting the property, which it bought as a wetland, to dry land for a mall." The Environmental Protection Agency

vetoed the project; the developer is appealing the decision.

The wetlands debate has complicated Senate consideration of President Reagan's nomination of Robert K. Dawson as Assistant Secretary of the Army for civil works. The Corps of Engineers has been given broad responsibility to carry out the Clean Water Act's mandate for protecting wetlands, and environmental groups say that as Deputy Assistant Secretary, Mr. Dawson has neglected wetlands protection in an effort to ease the burden of regulations on developers. Over the objections of 10 senators, including six Republicans, his nomination goes to the floor this week. Mr. Dawson defends his record. "We actually have greater environmental controls now than we had before," he said. Mr. Dawson added that he did not believe that the Clean Water Act provided "effective wetlands protection" and that efforts to block his nomination reflected "concern with the President's and Administration's regulatory reform policies." New farm legislation also shows Congressional concern. The Senate is expected to vote soon on a bill containing a "swampbuster" provision that would deny Federal benefits to farmers who drain wetlands to grow crops. Such drainage is believed to be the largest single cause for the loss of wetlands.

Chemicals and other man-made waste may also be doing increasing damage. Recently, the Environmental Protection Agency, the District of Columbia, Maryland, Virginia and Pennsylvania announced plans to reduce the flow of toxic substances, sewage and fertilizer into Chesapeake Bay and its estuaries.

The Interior Department estimates that wetlands are disappearing by more than 400,000 acres a year. The Department said that in the mid-1970's 99 million acres of wetlands remained in the contiguous 48 states of the approximately 250 million acres that existed when the first European settlers arrived. The Fish and Wildlife Service announced a few months ago that the annual duck migration was expected to drop sharply this year, in large part because of the loss of the inland marshes and prairie potholes that are the ducks' feeding and nesting grounds. "Wetlands are among our most important and least understood natural resources, critical to the life cycle of a wide variety of species, and performing essential pollution filtration and hydrological functions," said Hope Babcock, a lawyer for the National Audubon Society. "Unless steps are taken now to protect wetlands, however small the proposed destruction," she warned, "we will wake up one day and find they are all gone."

Mr. CHAFEE. Mr. President, I will have further comments on this tomorrow.

Mr. ABDNOR addressed the Chair.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from South Dakota.

Mr. ABDNOR. Mr. President, I wholeheartedly support the nomination of Bob Dawson to be Assistant Secretary of the Army for Civil Works. Since the departure of William Gianelli from that post 1½ years ago, Bob Dawson has effectively and wisely carried out the responsibilities of the office of Assistant Secretary, and this is in no way an easy job.

There has been a great deal of controversy recently concerning Mr. Dawson's interpretation and administration of the Corps of Engineers' authority under section 404 of the Clean Water Act. I do not believe that his management of this program is adversely affecting the Federal protection of wetlands. Bob Dawson has an extremely difficult line to toe in that he is charged by this administration with streamlining a traditionally slow and inefficient 404 permitting process while, at the same time, ensuring that environmental interests are protected. In fact, I dare say that many Members of this body probably have had calls from constituents unduly complaining that the corps is holding up or denying them a 404 permit for one reason or another. Despite the inherent difficulties involved, I believe he has been successful in striking a fair overall balance in the management of this program.

Although overseeing the administration of the 404 permitting process is important, Mr. President, let us all remember that it is only a small part of the duties of the Assistant Secretary of the Army for Civil Works. The Assistant Secretary's responsibilities which fall under the purview of the Subcommittee on Water Resources, which I chair, are much broader; that is the oversight of the day-to-day activities of the Corps of Engineers and the spearheading of policy initiatives meant to ensure that the corps remains an effective agency in the public interest without unduly draining the public coffers.

In these regards, Mr. Dawson's management of the corps deserves high marks. His performance in formulating and negotiating water resources cost-sharing and user fee policy for the administration has also been excellent. Bob Dawson has waded fearlessly into the deep swamp that exists between various factions in this complex and highly charged arena of water policy issues; and to his great credit, he has gotten results.

He has negotiated a number of cost-sharing agreements between the Corps of Engineers and local water project sponsors. These agreements will go a long way toward proving that local interests can pay a greater portion of the costs of water projects and that the world will not end if the traditional, overgenerous Federal support for water projects is reformed.

More importantly, Mr. Dawson has played an invaluable role in carrying the administration's position on cost-sharing and user fees to an often hostile Congress. Indeed, Mr. President, I, myself have taken Mr. Dawson to task in the past during his testimony before my subcommittee. But, his sincerity, his command of the issues, and his open style of dealing with people have made him a most effective spokesman for the administration. I believe he deserves a great deal of the credit for the water policy compromise reached between members of the Republican leadership and the administration earlier this year.

Mr. President, we have done ourselves and the Nation a disservice by not acting on this nomination sooner. The position of Assistant Secretary of the Army for Civil Works is too important to remain filled by a person who has not been confirmed by the Senate. Mr. Dawson is to be commended for performing exceptionally in this position for the last 1½ years, but I believe he will be even more effective as a spokesman and negotiator after his confirmation today.

So, Mr. President, I urge my colleagues to confirm Bob Dawson as Assistant Secretary of the Army for Civil Works, and to do so with dispatch. He has proven his managerial excellence and ability to work with Congress and he deserves our support.

Mr. HEFLIN. Mr. President, it is with great pleasure that I rise today in support of an outstanding public servant and good friend, Robert K. Dawson, who has been nominated by President Reagan to serve as the Assistant Secretary of the Army for Civil Works.

I have known Bob Dawson for a number of years, beginning when I was chief justice of the Alabama Supreme Court and he was president of the student bar association at the Cumberland School of Law, located at Birmingham's Samford University. He was originally from Scottsboro, AL, and I have known his family for many years. He has always been an individual of the utmost integrity and competency, both personally and professionally. In Washington, he served for 3 years as legislative assistant to former U.S. Representative Jack Edwards of Alabama, who represented the Mobile district. Afterwards, he served for 6 years as Administrator of the House Public Works and Transportation Committee. Since leaving that post, Bob has served for 3 years as Deputy Assistant Secretary of the Army for Civil Works, and, most recently, he has been Acting Assistant Secretary for the past 16 months. Throughout this time he has performed ably and with great distinction.

Mr. President, I am greatly concerned over the recent efforts of some of my colleagues to derail Bob Dawson's confirmation. The controversy concerning his nomination surrounds his implementation of certain regulatory reforms in what is known as the 404 Permit Program. This program was established by section 404 of the Clean Water Act of 1974, and is a permit program for regulating dredge or fill activities in our Nation's waters. The

program is administered by the U.S. Army Corps of Engineers, under guidelines set by the EPA and in consultation with other Federal, State, and local agencies.

Mr. President, I would like to take this moment to list a few facts which have directly resulted from Bob Dawson's initiation of these regulatory reforms and which have been ignored by his opponents.

More applications for permits are being denied than ever before.

More mitigation is being required.

Environmental controls have been expanded, particularly in headwaters and isolated waters and wetlands.

Fewer applications are submitted because the public is aware of the difficulties involved in getting approval.

Reforms have resulted in decreased decision time, more public confidence, in the program, and better voluntary compliance.

Management techniques implemented by Mr. Dawson have done nothing more than remove previous duplication, unproductive redtape, and unnecessary uncertainties for regulated citizens.

This regulatory program is only a small part of the duties of the Assistant Secretary of the Army for Civil Works. Ironically, other issues under the leadership of Mr. Dawson will have more of a far-reaching pro-environmental impact than the corps' regulatory program. For example, Mr. Dawson has been the administration's leading proponent of cost sharing and user fees on water resources development projects, a mechanism for selectively proceeding with water projects in an era of seemingly interminable budget deficits.

Mr. President, I am certain beyond a shadow of doubt that Bob Dawson is eminently qualified to serve in the position for which he has been nominated. He is a man of unquestioned intelligence, industry and integrity, and he has excellent prior experience and qualifications for this position. In that respect, I support his nomination and confirmation and urge my colleagues to do the same.

Thank you, Mr. President.

(Mr. ABDNOR assumed the chair.)

● Mr. GOLDWATER. Mr. President, I have a brief statement to make today. First, there is no question that Bob Dawson is superbly qualified to be Assistant Secretary of the Army for Civil Works. He has served with distinction for virtually his entire career as a public servant, and he has shown as both the Deputy Assistant Secretary and Acting Assistant Secretary that he is thoroughly familiar with the Army Corps of Engineers and thoroughly able to manage it.

Second, I am outraged that several of our colleagues have not only indicated opposition to Mr. Dawson's confirmation, but have also objected—until this time—to permitting the nomination to come before the Senate. I cannot believe that a number of Senators would deprive this body from being allowed to act on this nomination.

The Committee on Armed Services held an extensive hearing on the Dawson nomination. I invited four members of the Committee on Environment and Public Works to attend our hearing, and the distinguished Senators from Vermont and Rhode Island participated. Our staff has met at length with their staff. We have listened to their concerns. We have been more than fair in terms of process. And the Armed Services Committee voted 13 to 1 to confirm Mr. Dawson.

Every Senator should fully understand what this argument is about. It is not about Bob Dawson. It is about the section 404 permit program. Some Senators for months now have been holding the Dawson nomination hostage to extract concessions from Mr. Dawson about this program. I even understand that some of the opposition to Mr. Dawson relates to individual permit actions in particular States which have been controversial. Now that the nomination is being considered, the same Senators say they oppose the nomination. I would think that the relevant legislative committee could exercise meaningful oversight of the section 404 program directly, and not have to resort to measures such as these.

We have delayed long enough on this matter. The Senate should promptly and overwhelmingly confirm the Dawson nomination.●

● Mr. ARMSTRONG. Mr. President, I am going to vote to confirm the President's nomination of Robert Dawson to be Assistant Secretary of the Army for Civil Works for a variety of reasons, all of which can be summed up by saying he is a fine public servant with a proven and distinguished track record.

He has acquired years of experience at very high levels of the Army as Deputy Assistant Secretary and more recently as Acting Assistant Secretary. In these years, he has established himself as one of the Reagan administration's hardest working and most effective appointees. His record on what is perhaps his most important administrative function, section 404 of the Clean Water Act, is one of the best examples of how a gifted administrator can implement the kind of reform agenda that first brought President Reagan to Washington in 1981.

Section 404 dredge and fill permits and all the redtape that went with them were one of the most appalling bureaucratic entanglements the Federal Government had yet devised to ensnare private landowners and local governments. That is why it was singled out for immediate reform by the President's Task Force on Regulatory Relief. Bob Dawson, then as Deputy Assistant Secretary and now as Acting Assistant Secretary, has been largely responsible for this important effort.

Generally, the reforms he implemented shifted the focus from forms, procedures, and delays to environmental issues and considerations of the public interest. Response time has been slashed and the permit review system can no longer be abused to delay and halt actions. Of course, controversy has attended every step in this process, and this is not too surprising. Section 404 decisions necessarily involve considerations of water quality, private property, wetland preservation, fish and wildlife habitat, and a number of other very controversial elements. The Dawson reforms were subjected to the closest imaginable scrutiny and criticism; they were challenged in great detail in the case of National Wildlife Federation et al. versus March, which was satisfactorily settled out of court.

One of the best reforms Mr. Dawson implemented was the widespread use of general permits. These authorize, without case-by-case analyses, many of the routine and repetitive actions taken by the Corps of Engineers. For ordinary landowners, this is the most important of Mr. Dawson's reforms. It allows them to know in advance what activities will be automatically permitted; it eliminates costly and frustrating delays; it introduces a welcome note of certainty; and it allows the corps to focus its enforcement resources on more unusual and environmentally critical cases. This streamlining has resulted in better and more responsive enforcement of section 404 regulations, essentially without hiring any additional staff during this administration.

Another of the Dawson reforms worthy of special note is that clarification in lines of authority, a problem singled out by the President's Task Force on Regulatory Relief. This has ended the considerable confusion about who speaks for the Federal Government on section 404 issues. Previously, citizens were subjected to a round-robin of decisionmaking, with the buck being passed from one Federal agency to another. Now, however, the buck stops at the Department of the Army, with most permitting decisions being made at the district engineer level. The result is that citizens are now receiving a clear-cut decision from their Government in just 70 days instead of the 140 days it took prior the Dawson reforms.

These are just a few examples of some specific reforms that are evidence of a general management attitude aimed at making a large, Federal bureaucracy into a tough, cost-effective, and responsive arm of Govern-

ment. Mr. Dawson has shown a real genius for making common sense out of a very complicated regulatory regime and for getting the most out of a program dollar. In these times of dangerous budget deficits, every agency is going to have to find creative and effective ways to get the job done well with fewer resources. Bob Dawson is a model of this kind of efficiency. Ignoring the pressures of a wide range of special interest groups, Mr. Dawson has kept his eye fixed firmly on the public interest. At the same time, he has boosted morale among the corps and put together an outstanding multidisciplinary staff that is extremely well qualified to handle the difficult decisions that come up every day.

Even the tone of what the corps does has changed. The emphasis now is on cooperation and getting the job done, instead of on bureaucratic infighting and squabbles between different levels of Government. After several difficult rounds of negotiations, Mr. Dawson has hammered out memorandum of understanding with the Department of the Interior and the Environmental Protection Agency on implementation of policy under section 404, and agreement with the Department of Commerce is also imminent. While remaining true to the mandate of the President's Task Force on Regulatory Relief, these MOA's allow the commenting agencies full assurance that their views will be considered by district and division engineers. For the first time in a long while, the Federal Government has quit its bickering and is speaking with one voice on section 404 policy. Much of the credit for this achievement goes to the negotiators of these MOA's, including Mr. Dawson, whose dogged pursuit of a uniform policy did much to unify the agencies.

Cooperation is also the hallmark of the new relationship between the Corps of Engineers and State and local governments. For example, where a State has a regulatory program that provides substantially the same degree of control over water projects, the corps has issued general permits for these activities; in general, therefore, a citizen only needs to obtain the State permit. Where a Federal permit is also necessary, the corps has developed joint procedures and streamlined the application process. Traditional corps district boundaries have been changed from water basins to State boundaries, so most States only have to deal with a single corps office. As a result of these and other changes, the Dawson reforms enjoy nearly unanimous support among the States. The relationship with local governments, too, is characterized by a new spirit of cooperation, as corps offices give greater attention and emphasis to the needs and concerns of local officials. I have certainly seen the evidence of this in Colorado, where intergovernmental hostility has given way to a very productive partnership.

I could go on and on singing the praises of this fine individual and superbly qualified public servant. Adjectives come quickly to mind like smart, talented, dedicated, personable, reasonable, effective, and creative. In my opinion, he is the ideal nominee for this post and all his career of service to the Congress and the executive branch has prepared him for it. We are fortunate to have before us the nomination of such a man and should act quickly and favorably on it.●

● Mr. GORTON. Mr. President, I would like to express my support for the nomination of Bob Dawson as the Assistant Secretary of the Army for Civil Works. I have had the opportunity to work closely with Mr. Dawson, in his capacity as the Acting Assistant Secretary for the Army Corps of Engineers, on projects of prime importance, such as flood control, sediment disposal and river rehabilitation, due to the devastating impacts of the eruption of Mount St. Helens in my State.

I have worked on the Mount St. Helens issues since the beginning of my tenure with this body. Mr. Dawson has repeatedly demonstrated his integrity and his diligence in leadership on the unique and complex problems presented by Mount St. Helens. His thoroughness in working to find the best solutions to the issues concerning Mount St. Helens and his cooperation with my office and officials in the State is commendable.

As an example of this, Mr. Dawson recently decided to proceed with the construction of a single retention structure to prevent further damage to downstream communities from the sedimentation and runoff from Mount St. Helens. This decision was reached only after Mr. Dawson directed a careful examination of all possible solutions, in terms of costs, protecting the lives and property of downstream communities, and environmental impacts. In choosing the single retention structure alternative, Mr. Dawson displayed a commitment to careful planning and managing for optimal long-term solutions.

Mr. President, while I stand in support of Mr. Dawson's nomination, I would like to address the issue that compels a number of my colleagues to oppose Mr. Dawson as the Assistant Secretary—the protection of our Nation's wetlands. I have a great deal of respect for my colleague from Rhode Island, Mr. CHAFEE, who has raised the concern that Mr. Dawson is not committed to protecting wetlands under section 404 of the Clean Water Act. I also appreciate the oversight hearings he has held to examine Mr. Dawson's record on this issue.

I agree with Mr. CHAFEE that the correct interpretation of the Clean Water Act is clearly that section 404 provided for the protection of wetlands and established jurisdiction with the Corps of Engineers.

Wetlands play a vital role in the life cycles of many plant and animal species as well as providing essential hydrological functions in water-based ecosystems. The Department of the Interior estimates that currently we are losing more than 400,000 acres of wetlands each year. I think it is essential that the corps fulfill its mandate under the Clean Water Act to protect wetlands.

I am pleased that meetings have taken place between Mr. Dawson, Mr. CHAFEE, the Environmental Protection Agency and the Department of the Interior to reach an agreement concerning coordinated Federal enforcement of section 404. I strongly support continuing this dialog to insure that the corps is fulfilling its responsibility to protect wetlands.●

● Mr. WALLOP. Mr. President, I support the nomination of Mr. Robert K. Dawson to be the new Assistant Secretary of the Army for Civil Works, and urge his prompt confirmation by the Senate. Mr. Dawson is an articulate and able administrator, and a good man for a difficult job. The job includes management of corps programs for flood control, ports, harbors, inland waterways, hydroelectric development, military construction, and the 404 permit program.

We are engaged in this debate today because the question of Mr. Dawson's confirmation has turned into a referendum on the 404 program. I find this unfortunate. Even Mr. Dawson's most vocal critics admit his character and integrity are above reproach. The President deserves to have the men of his choice in his administration.

If the allegations were true, the committee of jurisdiction would have amended the Clean Water Act reauthorization bill to cure these alleged evils. Yet the reauthorization bill is before the conference committee, and it contains no 404 amendments.

The 404 program in too important to Wyoming to be dealt with in this summary fashion. Moreover, it seems fundamentally wrong to try and force a Presidential nominee to do administratively what the law, because of its silence, does not require.

The 404 permit program is part of the Clean Water Act, which Congress enacted to maintain the chemical, physical, and biological integrity of the Nation's water. Except for permits issued by the corps for dredge and fill disposals into navigable water, the discharge of any pollutant is unlawful. The term navigable water is defined as waters of the United States, including the territorial seas. However, the word wetland appears only in one place in the statute where the States are al-

lowed to take over the program, and the term is undefined.

Wetland protection under the 404 program came about therefore, as an incidental benefit of congressional efforts to enhance water quality. Bob Dawson was correct when he said Congress didn't design the program to be a wetland protection tool, and it doesn't work well in that capacity. He was right because more than 85 percent of the wetland losses occuring today, occur due to congressionally exempted activities. These exemptions are necessary to treat water resources in a balanced way.

It is testimony to Bob Dawson's character that he has weathered his critics' claims with dignity, and continued to follow the letter and spirit of the law. He has attempted to remedy problems wherever he could.

Now let's examine what is being said about Mr. Dawson. His critics say that he has repeatedly used his authority to weaken wetland regulation, and that if promoted, he would be in an ideal position to continue doing so. I strongly disagree with this statement, and find all the allegations against him to be without factual substance.

While it is true EPA and Interior have taken issue with some of the permit decisions made by the corps, I find this neither suprising, or alarming. The corps handles 15,000 404 permit actions annually, yet but a handful of permit decisions have ripened to full-blown disagreement. Clearly Interior would like to have its mitigation recommendations mandatory, and EPA would like to run the program. Congress, however, has decided that corps shall have the lead in issuing permits. However, Congress has given EPA authority to overturn a corps permit decision if it chooses to do so. It is worth noting that EPA has exercised its 4(c) authority only four times since regulatory reform was instituted at the President's directive. The corps accomplished these reforms without sacrificing environmental safeguards. Permit processing time has been reduced from 140 to 70 days, and of the 40,000 individual permit actions taken since regulatory reform, less than 1,000 have been disputed by consulting agencies. Of these only 100 were left unresolved. I'd say that's a pretty good record. Let me cite some more accomplishments since Bob Dawson has been at the helm:

More mitigation is being required than ever before; more permits are being denied than ever before; wetlands are being inventoried with the Corps' help; controls over isolated wetlands and headwaters have been expanded; new interagency agreements have been signed with EPA and Interior bringing about greater interagency coordination, and more input from these resource agencies into the Corps' 404 decision-making process; enforcement of unauthorized dredge and fill actions is being tightened; an interagency blue ribbon panel has been convened at the recommendation of Bob Dawson to address the cumulative effects of permits dealing with the conversion of bottomland hardwoods for agricultural purposes.

Now I turn to the allegations. They are best dealt with by stating some facts.

Fact—The wetland losses being attributed to the U.S. Army Corps of Engineers are inaccurate because they count wetlands where the permit was denied, or refer to out-of-date statistics which were compiled before the 404 permit program came into existence. A close examination of the 15,000 annual 404 permits issued by the Corps shows that 90 percent of the wetland losses alleged never occurred because the permits were denied, or the corps was upheld in court. In actuality, of some 69,300 wetland acre losses being attributed to the corps, of these, only 500 wetland acres were lost to typical development due to a corps permit issued.

Fact—The Corps is construing its jurisdiction over isolated wetlands as broadly as the law and constitution allow.

It has been alleged that the corps is construing its jurisdiction over isolated wetlands too narrowly, and I find no substance whatsoever for this allegation. The corps' jurisdiction over isolated wetlands comports with a U.S. Attorney General Ruling in 1979, it is identical to EPA's jurisdictional ruling. Mr. Dawson made this a uniform corps policy by sharing his agreement with the EPA interpretation of jurisdiction over isolated wetlands with all corps personnel.

This interpretation of jurisdiction provides that if the use, degradation or destruction of water in any way affects interstate commerce, the water or wetland is covered. Among the ways in which the interstate commerce nexus can be triggered are things such as the effects on travel or industry, or the economic, scientific and recreational value of migratory birds, particularly for the purposes of sport, food, commerce and industry. If a particular water or wetland is used or could be used by migratory waterfowl, jurisdiction attaches. The corps investigates the pond to find if there is evidence that the pond is or could be used by migratory waterfowl, or if any other commerce clause nexus attaches. The site examination and determination whether or not interstate commerce attaches are the jurisdictional judgments which the constitution requires. Such case-by-case determinations also operate as a safety valve to prevent regulatory excesses, such as trying to regulate a backyard puddle where a duck has landed occasionally. The point is that the corps must find that water is involved, and that the evidence substantiates the nexus between the commerce clause.

I don't think it is possible to get a broader interpretation of jurisdiction without congressional action. If Congress wants all wetlands to be within 404 permit jurisdiction, then it must establish this jurisdiction legislatively, not through a floor debate on this issue or at a confirmation hearing.

Now, one last point on isolated wetlands. It can best be made by quoting from a National Wildlife Federation press release pertaining to the NWF v. Marsh settlement agreement. The release was issued February 9, 1984, and I quote:

> Millions of acres of wetlands will get increased protection from development under an agreement reached by the Army Corps of Engineers, the EPA, the National Wildlife Federation and 15 other conservation organizations. * * * Under the agreement, isolated wetlands or those with low water flow will no longer indiscriminately be excepted from review. Any fill project affecting 10 or more acres of these wetlands will be subject to the individual permit process.

Mr. President, you can't have it both ways. Either the corps is protecting isolated wetlands, or it isn't. The facts show that the corps regulates isolated wetlands.

Now, let's return to the NWF release. In that February 9 release, Mr. Jay D. Hair said: "legislative action is needed to increase the oversight role of Federal resource agencies over the corps implementation of the program." This statement makes it clear to me that the debate in which we are engaged today is really about Federal wetlands policy and not about Bob Dawson at all. It is an opportunity being seized by wetland proponents to gain through floor debate an expanded view of wetland protection that Congress has not statutorily authorized, but which can be used in later court suits to provide wetland protections the law presently doesn't afford.

This is not the time, or place for a policy debate on the 404 program. Where water, water rights, and the protection of aquatic life depending upon wetlands is concerned, a delicate balance of competing interests must be made. Congress is the proper body for the resolution of the conflicts.

In sum, Mr. President, Bob Dawson is a good man who has done a good job, and he deserves to be confirmed.●

LEGISLATIVE SESSION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on November 25 and November 26, 1985, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on November 25 and November 26, 1985, are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 95

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate on November 25, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Labor and Human Resources, and the Committee on Finance:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 8 new deferrals of budget authority for 1986 totaling $2,023,327,275. The deferrals affect accounts in Funds Appropriated to the President, the Departments of Commerce, Defense-Military, Health and Human Services, Transportation, and Treasury.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE,
November 25, 1985.

AGREEMENT BETWEEN THE UNITED STATES AND THE KINGDOM OF SWEDEN ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 96

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on November 25, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 USC 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Kingdom of Sweden on Social Security which consists of two separate instruments. The Agreement was signed at Stockholm on May 27, 1985.

The U.S.-Sweden agreement is similar in objective to the social security agreements already in force with Italy, the Federal Republic of Germany, Switzerland, Canada, Belgium, Norway, and the United Kingdom. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreement and provides data on the number of persons affected by the Agreement and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the U.S.-Sweden Social Security Agreement and related documents.

RONALD REAGAN.

THE WHITE HOUSE,
November 25, 1985.

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on November 26, 1985, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1714. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes.

Under the authority of the order of the Senate of January 3, 1985, the enrolled bill was signed on November 26, 1985, by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 12:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 1806. An act to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65;

H.R. 3235. An act to authorize the Administrator of the National Aeronautics and Space Administration to accept title to the Mississippi Technology Transfer Center to be constructed by the State of Mississippi at the National Space Technologies Laboratories in Hancock County, MS;

H.R. 3327. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes;

S.J. Res. 139. Joint resolution to designate the week of December 1, 1985, through December 7, 1985, as "National Home Care Week";

S.J. Res. 195. Joint resolution to designate the week of December 1, 1985, through December 7, 1985, as "National Temporary Services Week";

S.J. Res. 206. Joint resolution to authorize and request the President to designate the month of December 1985, as "Made in America Month"; and

H.J. Res. 459. Joint resolution reaffirming the friendship of the people of the United States with the people of Colombia following the devastating volcanic eruption of November 13, 1985.

The enrolled bills and joint resolutions were subsequently signed by the Acting President pro tempore (Mr. STAFFORD).

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1886. A bill to amend the Agricultural Act of 1949.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, December 2, 1985, she had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 139. Joint resolution to designate the week of December 1, 1985, through December 7, 1985, as "National Home Care Week";

S.J. Res. 195. Joint resolution to designate the week of December 1, 1985, through December 7, 1985, as "National Temporary Services Week"; and

S.J. Res. 206. Joint resolution to authorize and request the President to designate the month of December 1985, as "Made in America Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2033. A communication from the board members of the U.S. Railroad Retirement Board, transmitting, pursuant to law, an amendment to the President's fiscal year 1986 budget request and a companion reapportionment request; to the Committee on Appropriations.

EC-2034. A communication from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to authorize the provision of dental care of specified persons in U.S. naval hospitals and dispensaries outside the continental United States and in Alaska; to the Committee on Armed Services.

EC-2035. A communication from the Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, a report on the conversion of the shelf stocking function at Fort Benjamin Harrison, Indiana, to performance under contract; to the Committee on Armed Services.

EC-2036. A communication from the Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, a report on the conversion of selected administrative functions at Fort Knox, Kentucky, to performance under contract; to the Committee on Armed Services.

EC-2037. A communication from the Secretary of Defense, transmitting, pursuant to law, a report to the Congress on options to reduce military retirement accrual funding in fiscal year 1986; to the Committee on Armed Services.

EC-2038. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to contract for a period of not more than 5 years to purchase, manufacture, supply, engrave, print, warehouse, and distribute U.S. savings bond stock; to the Committee on Banking, Housing, and Urban Affairs.

EC-2039. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to engrave and print the currency, bonds, and other security documents of a foreign country or engage in research and development for printing currency, bonds, and other security documents on behalf of a foreign country on a reimbursable basis; to the Committee on Banking, Housing, and Urban Affairs.

EC-2040. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice of a delay in the submission of a report on the plan for conducting Antarctic research for fiscal years 1986 through 1988; to the Committee on Commerce, Science, and Transportation.

EC-2041. A communication from the Secretary of the Interior, transmitting, pursuant to law, a soil survey and land classification of additional lands under the Tehama-Colusa Canal, Sacramento River Division, Central Valley Project, California; to the Committee on Energy and Natural Resources.

EC-2042. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess payments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2043. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess payments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2044. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess payments of offshore oil lease revenues; to the Committee on Energy and Natural Resources.

EC-2045. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the annual report of the Peace Corps for fiscal year 1984; to the Committee on Foreign Relations.

EC-2046. A communication from the General Manager of the District of Columbia Armory Board, transmitting, pursuant to law, the annual report of the Board for the fiscal year ending December 31, 1984; to the Committee on Governmental Affairs.

EC-2047. A communication from the Assistant Attorney General (Administration), transmitting, pursuant to law, a report on five new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2048. A communication from the Administrator of General Services, transmitting, pursuant to law, a report covering the disposal of surplus Federal real property for historic monument and correctional facility purposes for fiscal year 1985; to the Committee on Governmental Affairs.

EC-2049. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General of the National Aeronautics and Space Administration for the period ending September 30, 1985; to the Committee on Governmental Affairs.

EC-2050. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, a report on a decision to convert the Directorate of Logistics, Fort McClellan, Alabama, to performance under contract; to the Committee on Armed Services.

EC-2051. A communication from the Assistant Secretary of the Army transmitting a draft of proposed legislation to provide, on a month-to-month basis, an increase in funds to be obligated from military personnel accounts for basic pay and contributions to retirement; to the Committee on Armed Services.

EC-2052. A communication from the Secretary of Defense transmitting, pursuant to law, a report on Transferability of New GI Bill Benefits to Family Members; to the Committee on Armed Services.

EC-2053. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on a time extension for acting on an appeal before the Commission, Bartlett Agri Enterprises versus Missouri Pac. R.R.; to the Committee on Commerce, Science, and Transportation.

EC-2054. A communication from the Secretary of Health and Human Services transmitting a draft of proposed legislation to improve the administration of the old age, survivors, and disability insurance program and the supplemental security income program; to the Committee on Finance.

EC-2055. A communication from the Deputy Assistant to the President of the United States (for Administration) transmitting, pursuant to law, a report on certain personnel employed in the White House; to the Committee on Governmental Affairs.

EC-2056. A communication from the Inspector General of the Department of Energy transmitting, pursuant to law, a report on the activities of his office during April 1 through September 30, 1985; to the Committee on Governmental Affairs.

EC-2057. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-104; to the Committee on Governmental Affairs.

EC-2058. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. Act 6-105; to the Committee on Governmental Affairs.

EC-2059. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of a resolution 6-410, adopted by the Council; to the Committee on Governmental Affairs.

EC-2060. A communication from the Attorney General of the United States transmitting, pursuant to law, the report required under chapter XII of the Comprehensive Crime Control Act of 1984 relating to certain internal operations of the Department of Justice; to the Committee on the Judiciary.

EC-2061. A communication from the Chief Justice of the United States transmitting a draft of proposed legislation to preserve the status and jurisdiction of the Supreme Court police; to the Committee on the Judiciary.

EC-2062. A communication from the Secretary of Education transmitting, pursuant to law, a report on final regulations for the program strengthening research library resources; to the Committee on Labor and Human Resources.

EC-2063. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, a report on a study respecting the conversion of the Directorate of Engineering and Housing, Fort McClellan, Alabama to performance under contract; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-531. A petition from a citizen of Buffalo, NY, favoring the adoption of a resolution discontinuing the practice of using public funds to publish collections of the prayers of the Chaplains of the Senate; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of November 23, 1985, the following reports of committees were submitted on November 26, 1985:

By Mr. MURKOWSKI, from the Committee on Veterans' Affairs, without amendment:

S. 1887: An original bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to improve veterans' education benefits, and to improve the Veterans' Administration home loan guaranty program; to amend titles 10 and 38, United

States Code, to improve national cemetery programs; and for other purposes (Rept. No. 99-200).

By Mr. MURKOWSKI, from the Committee on Veterans' Affairs:

Special Report on Budget Allocations of the Committee on Veterans' Affairs (Rept. No. 99-201).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 1818: A bill to prevent sexual molestation of children in Indian country (Rept. No. 99-202)

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 1174: A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide States with assistance to establish or expand clearinghouses to locate missing children (Rept. No. 99-203).

By Mr. PACKWOOD, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 942: A bill to promote expansion of international trade in telecommunications equipment and services, and for other purposes (Rept. No. 99-204).

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. 386: A bill to confirm a conveyance of certain real property by the Southern Pacific Transportation Company to Ernest Pritchett and his wife, Dianna Pritchett.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BUMPERS:

S. 1888. A bill to provide for a program of cleanup and maintenance on Federal public lands, national parks, recreation areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DENTON (for himself and Mr. SIMON):

S. 1889. A bill to amend title 11 of the United States Code, relating to bankruptcy, to prevent discharge of administratively ordered support obligations; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. BOSCHWITZ):

S.J. Res. 240. A joint resolution opposing the Soviet Union's invasion and six year occupation of Afghanistan against the national will of the Afghan people; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS:

S. 1888. A bill to provide for a program of cleanup and maintenance on Federal public lands, national parks, recreation areas, and for other purposes; to the Committee on Energy and Natural Resources.

PUBLIC LANDS CLEANUP ACT

Mr. BUMPERS. Mr. President, today I am pleased to introduce legislation which would establish a national program for the cleanup and maintenance of our Federal public lands, national parks, and recreation areas. This program would utilize the vast resources of our Federal public lands management agencies and the boundless energies of the people of this country who use these lands.

My bill would require each Federal land management agency to organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and maintaining Federal public lands, recreation areas, and waterways within the jurisdiction of each agency. Each agency would plan activities to encourage continuing public and private sector cooperation in preserving the beauty and safety of our public lands; increase citizens' sense of ownership and community pride in these areas; reduce litter on public lands, along trails and waterways and other recreational areas; and maintain and improve trails, recreation areas, waterways, and facilities. These efforts would culminate in Public Lands Cleanup Day, which my bill designates as the first Saturday following Labor Day each year.

Our national parks, forests, and waterways are the envy of the world. They make priceless contributions to the physical and mental well-being of the people of our Nation. They are important reminders of our past and represent the promise of our future.

The Federal Government manages over 700 million acres of public land—about one-third of the total U.S. land mass. The number of recreation visits to these lands has risen 35 to 45 percent over the past decade. A growing population, more leisure time, and greater mobility ensure that the public lands will continue to be subject to increasing use. Unfortunately, with increased use can come greater misuse. I strongly believe that what is needed is a renewal, by some and creation, by other, of public awareness on the importance of wise, and careful use of our public lands. Stewardship of our public lands is required by all of us. We need to be reminded that the lands which sustain us, must also sustain those who follow us.

Mr. President, I'd like to tell you about a person who has spent the past 15 years teaching the people of Arkansas and the country about the importance of caring for our public lands and building a sense of responsibility for these lands in the minds of its citizens, and it is to him, I owe the idea for this will.

In 1970, Carl Garner, the Resident Engineer with the Army Corps of Engineers at the Greers Ferry Lake site in Arkansas, organized a group of about 50 volunteers to clean up an accumulation of 6 years' worth of trash along 300 miles of shoreline. The Corps of Engineers had been operating Greers Ferry Lake since 1964 and a lot of trash had accumulted along the shores of this recreational lake. The corps site had money in the budget to clean up the park at Greers Ferry, but no money was available to clear up the 300 miles of shoreline. Carl decided that volunteers were the answer.

The Greers Ferry Lake event was such a success in 1970 and the years following that the cleanup campaign was expanded to other Corps of Engineers-operated lakes in Arkansas 7 years ago and is now known as the "Great Arkansas Cleanup." As a result of Carl Garner's efforts, each year, on the first weekend after Labor Day, thousands of Arkansans volunteer their time and energy to continue the tradition of the Great Arkansas Cleanup at 13 lakes and along the Arkansas River. Last year, thousands of volunteers statewide cleaned up enough trash to fill 70 dump trucks and collected 15,000 pounds of aluminum cans for recycling. The event has gained national recognition, including four first-place awards from the Keep America Beautiful organization, and now serves as a model for the Nation.

Mr. President, after attending the event this past September, I began thinking about taking Carl's idea and how we might apply it on a national level. Why couldn't our parks, forests, and public lands supervisors organize volunteers in their areas in the same way Carl Garner did in Arkansas? During this time of serious budget constraints, these managers have fewer financial resources to meet the needs at their sites. The organized use of volunteers for maintenance and cleanup in our parks and forests and along our waterways could help these lands managers stretch their limited resources.

The value of volunteers to our Federal land management agencies is well documented. The National Park Service, Fish and Wildlife Service, Bureau of Land Management, and the Forest Service all have active volunteer programs. Volunteers are involved in a variety of programs ranging from maintaining trails and litter collection to engineering and public affairs. In 1984, these volunteer programs involved over 85,500 people, including individual citizens and corporations. The agencies estimated the monetary value of these programs at approximately $37 million in 1984. I think all of my colleagues would agree that these are very impressive statistics.

Mr. President, while the monetary savings associated with the use of volunteers is significant, I believe that there is an even grater benefit to be realized through these efforts. Involving citizen volunteers in cleaning and maintaining our public lands, recreation areas, and waterways is an essential step toward increasing our sense of pride and ownership in these lands. Secretary of the Interior Donald Hodel has recognized the importance of developing a sense of pride and ownership in the American public for our public lands. I share his view that

what is needed at the national level is a public awareness and education campaign. Under his leadership, the Department of Interior is developing a special awards program, the "Take Pride in America" award, to recognize ongoing efforts, such as the Great Arkansas Cleanup, and inspire new ones.

Several Bureau of Land Management State Offices have "Operation Respect" programs in place. These programs are in cooperation with their communities. They encourage recreational visitors to follow a property protocol:

Return home with only memories; exercise good judgment; safety is most important; protect lives and property rights; enjoy without destruction; concern for private property; and trespassing is unlawful.

These managers are trying to respond to a real need for citizen and community involvement and education, just as Carl Garner was responding to those same needs at Greers Ferry Lake.

With the pleasure provided by these public lands comes a serious responsibility to care for them. I ask my colleagues to share in my belief that with a strong, organized cooperative effort between the Federal Government and the citizens of this country, we can do a great deal to ensure that these lands will be available to future generations to enjoy and treasure.

I commend this measure to my colleagues, and I hope that the Energy and Natural Resources Committee will give the bill immediate and favorable consideration.

By Mr. DENTON (for himself and Mr. SIMON):

S. 1889. A bill to amend title 11 of the United States Code, relating to bankruptcy, to prevent discharge of administratively ordered support obligations; to the Committee on the Judiciary.

PREVENTION OF DISCHARGE OF ADMINISTRATIVELY ORDERED SUPPORT OBLIGATIONS

Mr. DENTON. Mr. President, I rise today, along with my distinguished colleague from Illinois [Mr. SIMON] to introduce a bill to amend the bankruptcy code to prevent the discharge of administratively ordered support obligations. The bill would amend the bankruptcy amendments contained in Public Law 98-353, and would fill a gap that currently permits discharge of certain spouse and child support debts through a bankruptcy declaration.

We enacted the Bankruptcy Amendments and Federal Judgeship Act, Public Law 98-353, in 1984. Section 454(b) of the act clarifies section 523(a)(5) of title 11, United States Code, to eliminate loopholes that formerly had allowed the discharge of spousal or child support debts through a judgment of bankruptcy.

Before the enactment of Public Law 98-353, only support debts created in separations, divorce decrees, or property settlements were protected from discharge by bankruptcy. The bankruptcy amendment extended the protection to debts established in other orders of a court of record, thereby preventing discharge in cases where a marriage has never taken place, for example, support awarded as a result of a court paternity determination.

Through inadvertence, however, the bankruptcy amendment did not contain a provision to protect support obligations established in State administrative proceedings.

Administrative proceedings are used by approximately 16 States to determine paternity suits and establish and enforce support obligations. Administrative proceedings have proved to be an effective and efficient procedure for resolving those disputes. It would be unfortunate if we were to prevent the States from using these procedures by denying protection from discharge by bankruptcy for administrative support judgments.

The efficient adjudication of paternity and support suits, and the enforcement of legally established support judgments, are of crucial importance to the economic health of our Nation. Senator SIMON and I have drawn the bill to protect State administrative support judgments from discharge by bankruptcy, and thereby to encourage the States to resolve those suits as quickly as possible through efficient administrative forums. The bill is strongly endorsed by the Department of Health and Human Services.

I ask unanimous consent that both the text of the bill and a letter from the Secretary of Health and Human Services appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 523(a)(5) of title 11, United States Code, is amended by inserting after "or other order of a court of record or" the following: "any order, rule, or determination made pursuant to a State administrative process for obtaining and enforcing support orders, or".

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, May 2, 1985.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning P.L. 98-353, the recently enacted Bankruptcy Amendments and Federal Judgeship Act of 1984. We understand that you may soon be considering technical amendments to this law and would like to bring to your attention one matter affecting the child support enforcement program administered by this Department.

We strongly support the intent of section 454(b) of P.L. 98-353 amending section 523(a)(5) of title 11, United States Code, to clarify the non-dischargeability of support debts in bankruptcy. However, we believe the amendment still allows certain support debts to be discharged and urge that the protection of those debts be extended to obligations established by administrative proceedings under State law.

Prior to this amendment, only debts to a spouse, former spouse, or child of the debtor, for alimony to, maintenance for, or support of such spouse or child, in connection with a separation, divorce decree, or property settlement agreement were not dischargeable in bankruptcy. Assigned support obligations generally were discharged, unless the assignment was to the State in connection with the collection of support by the State child support enforcement agency on behalf of an AFDC recipient.

The recent amendment expands the debts which cannot be discharged in bankruptcy beyond those in connection with a separation, divorce decree, or property settlement agreement to include support contained in other orders of a court of record. This amendment is significant because it prevents discharge in cases where there never has been a marriage, e.g. support established on the basis of a court paternity determination.

However, we would like to call to your attention a category of support orders which were omitted, we believe inadvertently, from the protection of this recent amendment. Even with the amendment, support obligations established by administrative proceedings, rather than by court order, will still be discharged. Several States currently use administrative processes with the full force and effect of law for establishing and enforcing support obligations. Some States allow paternity determinations under these procedures. Allowing support debts established through administrative procedures to be discharged in bankruptcy provides a loophole to certain absent parents to eliminate their financial responsibility and may discourage States from implementing and using these more efficient and effective means of obtaining child support.

Therefore, we urge that, in connection with any technical amendments you may be considering, or at the earliest opportunity, you expand section 523(a)(5) of the Bankruptcy Code, to apply to support orders issued pursuant to administrative proceedings under State law, as well as to those issued by courts of record.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this request from the standpoint of the Administration's program.

Sincerely,

MARGARET M. HECKLER,
Secretary.

By Mr. HUMPHREY (for himself and Mr. BOSCHWITZ):

S.J. Res. 240. Joint resolution opposing the Soviet Union's invasion and 6 year occupation of Afghanistan against the national will of the Afghan people; to the Committee on Foreign Relations.

SIXTH ANNIVERSARY OF THE SOVIET INVASION OF AFGHANISTAN

● Mr. HUMPHREY. Mr. President, the year 1985 is a very tragic year for the Afghan people. This year marks

the sixth anniversary of the brutal invasion of Afghanistan. These past 6 years have been disastrous for the people of Afghanistan, and the situation continues to worsen. More than 115,000 Soviet troops continue to occupy that country and there is no evidence that the Soviet resolve is weakening. Soviet troops have carried out devastating offensives in the past few months which have caused enormous Afghan losses. Today I am introducing a resolution for myself and Mr. BOSCHWITZ. This resolution strongly condemns the 6 years of aggression waged against the independent country and people of Afghanistan, and calls for both continued United States assistance to the Afghan population and an expeditious conclusion of a negotiated political settlement.

Inside Afghanistan, the situation worsens on a daily basis. What was once a pastoral nation of proud farmers and villagers has been transformed into a bloody battlefield where unspeakable human rights violations abound, and miles of villages sit vacant in the wake of the Soviet onslaught. Over 4 million Afghans have been forced to flee their homeland, seeking refuge in the neighboring countries of Iran and Pakistan. Common diseases which have been successfully controlled in other parts of the world, run rampant in Afghanistan. All who return from visits within that country bring one pervasive message: there are no human rights today in Afghanistan. Children—the most precious resource of any nation—have not been spared this barbarity. Thousands of innocent children have been kidnaped from their parents and shipped to Soviet indoctrination camps where they are taught to fight on behalf of the Soviets. Those children who escape this fate face being maimed or killed by bombs disguised as children's toys, or murdered by Soviet incursions into villages, or a childhood in a refugee camp.

Mr. President, on November 13, the United Nations General Assembly voted in favor of a resolution strongly condemning the illegal Soviet occupational of Afghanistan, and calling for a negotiated political settlement based on the four points included in this resolution. That resolution was adopted by a larger majority than any past United Nations resolution condemning the Soviet Union for its activities in Afghanistan. This week, the United Nations will begin consideration of a report by the special rapporteur of the United Nations Economic and Social Council, on the human rights situation in Afghanistan. This report frighteningly concludes that many have been tortured and have disappeared, humanitarian norms have been flouted, and the resulting situation is fraught with danger for the population as a whole.

Mr. President, the verdict on Soviet behavior in Afghanistan is clear. The world community has repeatedly condemned their atrocities, which have also been thoroughly documented by the report of the special rapporteur. Although the Soviets have employed every means to conceal their policies from the rest of the world, including the threatened and carried out murder of reporters, we are very well aware of their tactics. Last month, this body unanimously adopted a resolution supporting efforts to bring about an end to the massive human rights abuses and murderous policies which the Soviet Union is perpetrating against Afghanistan. The same resolution was also adopted by the House of Representatives earlier this month.

With the 6 anniversary of the invasion only a few weeks away, I urge all of my colleagues to go on record in support of this resolution. We must send a clear and consistent message to the Soviet Union that this Nation has not forgotten the Afghan people and we continue to support their heroic struggle for freedom.●

ADDITIONAL COSPONSORS

S. 40

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 40, a bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the U.S. Constitution.

S. 86

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 86, a bill to amend the laws of the United States to eliminate gender-based distinctions.

S. 554

At the request of Mr. ROTH, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 554, a bill to amend title 18, United States Code, to include the transportation of males under the Mann Act, to eliminate the lewd and commercial requirements in the prosecution of child pornography cases, and for other purposes.

S. 1112

At the request of Mr. SPECTER, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1112, a bill to amend the Internal Revenue Code of 1954 to increase the exemption amount to $2,000.

S. 1174

At the request of Mr. MCCONNELL, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1174, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide States with assistance to establish or expand clearinghouses to locate missing children.

S. 1259

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1259, a bill to correct certain inequities by providing Federal civil service credit for retirement purposes and for the purpose of computing length of service to determine entitlement to leave, compensation, life insurance, health benefits, severance pay, tenure, and status in the case of certain individuals who performed service as National Guard technicians before January 1, 1969.

S. 1265

At the request of Mr. ARMSTRONG, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 1265, a bill to provide prompt, exclusive, and equitable compensation, as a substitute for inadequate tort remedies, for disabilities or deaths resulting from occupational exposure to asbestos; and for other purposes.

S. 1734

At the request of Mr. COCHRAN, the names of the Senator from Virginia [Mr. TRIBLE] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1734, a bill to prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens.

S. 1818

At the request of Mr. DENTON, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1818, a bill to prevent sexual molestation of children in Indian country.

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 134, a joint resolution to designate "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 199

At the request of Mr. MURKOWSKI, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of Senate Joint Resolution 199, a joint resolution to designate the month of November 1985 as "National Elks Veterans Rememberance Month."

SENATE JOINT RESOLUTION 235

At the request of Mr. DANFORTH, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Florida [Mrs. HAWKINS], the Senator from Arizona [Mr. DECONCINI], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Louisiana [Mr. LONG], the Senator from Texas [Mr. BENTSEN], and the Senator

from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 235, a joint resolution to designate the week of January 26, 1986, to February 1, 1986, as "Truck and Bus Safety Week."

AMENDMENTS SUBMITTED

CONSENT OF CONGRESS TO CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

BOREN (AND OTHERS) AMENDMENT NO. 1168

Mr. BOREN (for himself, Mr. GOLDWATER, Mr. HART, Mr. LEVIN, Mrs. KASSEBAUM, Mr. RUDMAN, Mr. STENNIS, Mr. DECONCINI, Mr. CHILES, Mr. BINGAMAN, and Mr. BYRD) proposed an amendment to the bill (S. 655) granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact; as follows:

At the appropriate place, insert the following new section:

SEC. —. (a) Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 is amended by striking out "$1,000" and inserting in lieu thereof "$1,500".

(b) Section 315(a)(2) of the Federal Election Campaign Act of 1971 is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) striking out "$5,000." in subparagraph (A) and inserting in lieu thereof "$3,000;"; and

(3) by adding at the end the following new subparagraphs:

"(D) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election) when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election; or

"(E) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Senator (including any primary election, convention, or caucus relating to such general or special election) which exceed the greater of $175,000 ($200,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election) or the amount equal to $35,000 times the number of Representatives to which the State involved is entitled, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election);

"(ii) a runoff election for the office of Senator which exceed the greater of $25,000 or the amount equal to $12,500 times the number of Representatives to which the State involved is entitled, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election; or

"(iii) a general or special election for the office of Senator (including any primary election, runoff election, convention, or caucus relating to such general or special election) which exceed $750,000 when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election).".

(c) Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended—

(1) by striking out "person" the second place it appears and inserting in lieu thereof "person and also the intermediary or conduit".

(d) Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended—

"(1) by adding at the end of the paragraph the following subparagraph:

"(A) Notwithstanding any other provision of this Act, each multicandidate political committee which makes an independent expenditure in a federal election in connection with such candidate's campaign, shall not do so in any newspaper, magazine, broadcast or other media advertisement without the following notice placed on, or within such advertisement:

"This message has been authorized and paid for by (name of committee/or any affiliated organization of the committee), (name/title of treasurer and/or president). Its cost of presentation is not subject to any campaign contribution limits."

(e) Section 315 of the Communications Act of 1834 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting immediately after subsection (a) the following:

"(b)(1) If any licensee permits a person to utilize a broadcasting station to broadcast material which either endorses a legally qualified candidate for any Federal elective office or opposes a legally qualified candidate for that office, such licensee shall, within a reasonable period of time, provide to any legally qualified candidate opposing the candidate endorsed (or to an authorized committee of such legally qualified candidate), or to any legally qualified candidate who was so opposed (or to an authorized committee of such legally qualified candidate), the opportunity to utilize, without charge, the same amount of time on such broadcasting station, during the same period of the day, as was utilized by such person.

"(2) For purposes of this subsection, the term 'person' includes an individual, partnership, committee, association, corporation, or any other organization or group of persons, but such term does not include a legally qualified candidate for any Federal elective office or an authorized committee of any such candidate.".

(f) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by striking "section" and inserting in lieu thereof "subsection".

(g) Section 315(d) of the Communications Act of 1934, as so redesignated by subsection (a) of this section, is amended to read as follows:

"(d) For purposes of this section—

"(1) the term 'authorized committee' means, with respect to any candidate for nomination for election, or election, to any Federal elective office, any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000 and which is authorized by such candidate to accept contributions or make expenditures on behalf of such candidate to further the nomination or election of such candidate;

"(2) the term 'broadcasting station' includes a community antenna television system; and

"(3) the terms 'licensee' and 'station licensee' when used with respect to a community antenna system mean the operator of such system.".

(h) Section 301(17) of the Federal Election Campaign Act of 1971 is amended to read as follows:

"(17) The term 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

"(A) For the purposes of this subsection, 'cooperation or consultation with any candidate' with respect to an election cycle means, but is not limited to the following—

"(i) the person making the independent expenditure communicates with, advises, or counsels the candidate at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(ii) the person making the independent expenditure includes as one of its officers, directors, or other employees an individual who communicated with, advised or counseled the candidate at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office; and

"(iii) the person making the independent expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office."

(i) If any provision of this Act or the application of it to any person or circumstance

is held invalid, the remainder of the Act and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

(j) The amendments made by such sections (a) through (i) of this section shall apply with respect to general, special, and runoff election occurring after December 31, 1986.

VETERANS' COMPENSATION AND BENEFITS IMPROVEMENT ACT OF 1985

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1169

Mr. CHAFEE (for Mr. MURKOWSKI, for himself, Mr. CRANSTON, Mr. DENTON, Mr. ABDNOR, Mr. THURMOND, and Mr. BOSCHWITZ) proposed an amendment to the bill (S. 655) to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to improve veterans' education benefits, and to improve the Veterans' Administration Home Loan Guarantee Program; to amend titles 10 and 38, United States Code, to improve national cemetery programs; and for other purposes, as follows:

At the appropriate place in the bill, add the following new sections:

SEC. 508. (a)(1) The first sentence of section 1 of Public Law 98-77 (29 U.S.C. 1721 note) is amended to read as follows: "This Act may be cited as the 'Veterans' Job Training Act'.".

(2) Any reference in any Federal law to the Emergency Veterans' Job Training Act of 1983 shall be deemed to refer to the Veterans' Job Training Act.

(b) Section 5(a)(1)(B) of such Act is amended by striking out "fifteen of the twenty" and inserting in lieu thereof "10 of the 15".

(c) The second sentence of section 8(a)(1) of such Act is amended to read as follows: "Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran for a period of training under this Act shall be—

"(A) during the first 3 months of that period, 50 percent of the product of (i) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (ii) the number of hours worked by the veteran during those months; and

"(B) during the fourth and any subsequent months of that period, 30 percent of the product of (i) the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (ii) the number of hours worked by the veteran during those months.".

(d) Section 14 of such Act is amended by inserting "(a)" before "The" and adding at the end the following new subsections:

"(b) The Administrator and the Secretary shall jointly provide for a program of counseling services designed to resolve difficulties that may be encountered by veterans during their training under this Act and shall advise all veterans and employers participating under this Act of the availability of such services and encourage them to request such services whenever appropriate.

"(c) The Administrator shall advise each veteran who enters a program of job training under this Act of the supportive services and resources available to the veteran through the Veterans' Administration, especially, in the case of a Vietnam-era veteran, readjustment counseling under section 612A of title 38, United States Code, and other appropriate agencies in the community.

"(d) The Administrator and the Secretary shall jointly provide for a program under which a case manager is assigned to each veteran participating in a program of job training under this Act and periodic (not less than monthly) contact is maintained with each such veteran for the purpose of avoiding unnecessary termination of employment and facilitating the veteran's successful completion of such program.".

(e) Section 16 of such Act is amended—

(1) by inserting "and $55 million for fiscal year 1986," after "1985"; and

(2) by striking out "1987" and inserting in lieu thereof "1988".

(f) Section 17 of such Act is amended—

(1) by striking out "Assistance" and inserting in lieu thereof "(a) Except as provided in subsection (b), assistance";

(2) in clause (1), by striking out "February 28, 1985" and inserting in lieu thereof "January 31, 1987";

(3) in clause (2), by striking out "July 1, 1986" and inserting in lieu thereof "July 31, 1987"; and

(4) by adding at the end the following new subsection:

"(b) If funds for fiscal year 1986 are appropriated under section 16 but are not both so appropriated and made available by the Director of the Office of Management and Budget to the Veterans' Administration on or before February 1, 1986, for the purpose of making payments to employers under this Act, assistance may be paid to an employer under this Act on behalf of a veteran if the veteran—

"(1) applies for a program of job training under this Act within 1 year after the date on which funds so appropriated are made available to the Veterans' Administration by the Director; and

"(2) begins participation in such program within 18 months after such date.".

(g)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2)(A) The amendment made by subsection (c) shall apply with respect to payments made for programs of training under such Act that begin after January 31, 1986.

(B) The amendment made by subsection (f)(2) shall take effect on February 1, 1986.

SEC. 509. (1) In carrying out section 1516(b) of title 38, United States Code, the Administrator of Veterans' Affairs shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training consistent with the provisions of the Veterans' Job Training Act (as redesignated by section 508(a)(1) of this Act) so as to utilize programs of job training established by employers pursuant to such Act.

(2) In carrying out such Act, the Administator shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both such Act and such section, the authority under such section is utilized to the maximum extent feasible and consistent with the veteran's best interests to make payments to employers on behalf of such veterans.

SEC. 510. (a) For the purposes of this section:

(1) The term "private industry council" means a private industry council established pursuant to section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

(2) The term "service delivery area" means a service delivery area established pursuant to section 101 of the Job Training Partnership Act (29 U.S.C. 1511).

(b)(1) The Secretary of Labor shall evaluate the feasibility and advisability of establishing and administering, under part C of title IV of the Job Training Partnership Act, a program described in paragraph (2).

(2) The program referred to in paragraph (1) is a program under which, upon the Secretary's determination and declaration of a severe State or regional employment deficiency or a veterans' employment deficiency in a State or service delivery area, grants are made, from a veterans' job training grant fund established by the Secretary from funds available to carry out part C of title IV of the Job Training Partnership Act, to a State or appropriate private industry council to fund an on-the-job training program which is similar in structure and purpose to the job training program established under the Veterans' Job Training Act of 1983 (as redesignated by section 508(a)(1) of this Act) and is to be conducted in such State or service delivery area.

(c) Not later than 90 days after the date of the enactment of this act, the Secretary of Labor shall transmit to the Committee on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation made under subsection (b). The report shall include—

(1) recommended definitions, standards, and implementation procedures for declaring and determining the duration of a severe State or regional employment deficiency and a veterans' employment deficiency in a State or service delivery area;

(2) recommended procedures for commencing a job training program in a State or service delivery area and for making financial assistance and other resources available for such job training program when a veterans' employment emergency is declared with respect to the State or service delivery area;

(3) recommended procedures for administering an emergency veterans' job training grant fund, including recommended minimum and maximum amounts to be maintained in such fund;

(4) recommended limits on the amounts of grants to be made to any grantee State or private industry council;

(5) recommended veteran and employer eligibility criteria and entry and completion requirements;

(6) a description of the support and counseling services that are necessary to carry out a job training program in a State or service delivery area;

(7) the recommended administrative component or components of the Department of Labor which would be appropriate—

(A) to administer a grant program described in subsection (b), including the contracting and monitoring functions;

(B) to determine the eligibility criteria for applicants for training and for employer certifications;

(C) to establish findings of veterans' employment deficiencies in States and service delivery areas; and

(D) to verify the level of compliance of grantee States or private industry councils, veterans, and employers with the requirements of the grant program and the job training program funded by the grant program;

(8) the estimated costs of administering and monitoring a job training grant program described in subsection (b) and consistent with the recommendations made in such report; and

(9) such other findings and recommendations, including any recommendations for legislation, as the Secretary considers appropriate.

SEC. 511. The Veterans' Administration Medical Center in Phoenix, Arizona, shall after the date of the enactment of this Act be known and designated as the "Carl T. Hayden Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Carl T. Hayden Veterans' Administration Medical Center.

ADDITIONAL STATEMENTS

HUNGERTHON '85

● Mr. MOYNIHAN. Mr. President, hunger is a problem which has captured much attention of late, as well it should. We are offended by the suffering of hungry children and adults, yet often we do not know how to begin to help them. Recently, in New York City, thousands of New Yorkers found a way. I would like to take a moment to commend the efforts and applaud the dedication of the people who participated in "Hungerthon '85," a radiothon fundraiser broadcast on WNEW-FM radio.

The fundraising drive produced more than $62,000 in funds to provide direct hunger relief to needy Americans, and some few of those in need abroad. UNICEF and World Hunger Year, a relief organization founded by the late singer Harry Chapin, will administer the effort. Closer to home, Hungerthon also collected more than 2,000 cans of food for the Food for Survival food bank in the Bronx.

In 1976, WNEW-FM radio sponsored the first radiothon to increase public awareness of the devastating problem of hunger and its consequences. That radiothon, cohosted by Harry Chapin and Bill Ayres, provided the impetus for many others soon to follow.

Hungerthon '85 was cohosted by Harry Chapin's friend and partner Bill Ayres, now executive director of World Hunger Year. Bill's cohost was disc jockey Pete Fornatele, who was also instrumental in establishing World Hunger Year some 10 years ago.

Harry Chapin, I would like to note, helped motivate others in the entertainment world to take on the cause of ending world hunger. Ken Kragen and Harry Belafonte have both credited his work as an inspiration behind "USA for Africa," which will sponsor "Hands Across America" this Memorial Day weekend to raise money for the homeless and hungry in America.

World Hunger Year will launch Hungerline, a media resource service to encourage continued media attention to the issue of hunger.

UNICEF will initiate a worldwide vaccination program to protect children from the diseases associated with hunger and malnutrition.

And WNEW in New York will continue to focus the attention of its listeners on hunger, by making the Hungerthon an annual event.

1985 has witnessed a worldwide hunger relief campaign on a scale unprecedented; the combined efforts of entertainers in this country and abroad have netted more than $100 million for food and agricultural aid to the African nations ravaged by famine. Generosity among some of the more fortunate in our society can have a tangible and vital impact for so many of the less fortunate. But a great deal remains to be done. With perhaps 20 million Americans suffering from hunger at some point each month, and untold millions starving elsewhere in the world, each of us has a responsibility to help.●

S. 554, THE CHILD SEXUAL ABUSE AND PORNOGRAPHY ACT OF 1985

● Mr. BUMPERS. Mr. President, I am pleased today to join several of my distinguished colleagues in cosponsoring S. 554, the Child Sexual Abuse and Pornography Act of 1985, introduced by Senator ROTH. This legislation would toughen present laws against child prostitution and commercial exploitation of child pornography through advertising.

The bill is a result of a year-long examination by the Governmental Affairs Subcommittee on Investigations of child pornography and its link to child molestation. This extensive study revealed that there is heavy importation of commercial child pornography into the United States from Europe, and that several organizations in America openly advocate sex with children. Of the 4,266 seizures of pornographic material at our borders made by the U.S. Customs Service in 1984, over one-half involved the exploitation of children.

The subcommittee also discovered through testimony of convicted pedophiles that there is easy access to multitudes of child pornographic material and that this material, and often the children depicted therein, are shared among pedophiles across the country. The hearing reports are filled with examples of ads for videos, films, photos, and magazines featuring very young children in sexually explicit poses and where they can be found. The study revealed the existence of a network of pedophiles and pornographers spanning from America to Europe. Although recent laws have focused on the prevention of this heinous activity, our children continue to be victimized and these outrageous practices must be eradicated.

I am appalled by this evidence of widespread child prostitution and the shameless marketing of our children's sexual innocence through the advertising of pornography. Many Arkansans share my outrage and have expressed to me their extreme concern about this expanding problem. Child pornography is one of the most horrible aspects of our society. I agree with Senator ROTH that we must strive to make our laws against this disgusting conduct as airtight as possible.

Senator ROTH's bill would make it a crime to advertise the availability of photos or films depicting child pornography and to advertise opportunities for sexual exploitation of minors. It would also establish guidelines to assist the courts in determining the age of the child appearing in such pornographic materials and remove the requirement that the prosecution identify the child depicted, an often insurmountable obstacle to the defendant's conviction. The bill also amends the Mann Act to include the transportation of boys within its coverage and increases the penalties for violation of that act.

I believe these are necessary changes in current law which will hopefully deter pedophiles and pornographers from continuing to abuse our children. This crime was long ignored by our society and is now pervasive. It is time to put a stop to it.●

WEEKLY BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for the week of November 18, 1985, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 2, 1985.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1986. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 32. This report meets the requirements for

Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through November 29, 1985. The report is submitted under Section 308(b) and in aid of Section 311(b) of the Congressional Budget Act.

Since my last report the Congress has cleared for the President's signature the Agriculture Extension (P.L. 99-157), the NASA Authorization for 1986 (H.R. 1714), and the Military Construction Appropriations, 1986 (H.R. 3327), changing budget authority and outlay estimates.

With best wishes,

Sincerely,

JAMES BLUM
(For Rudolph G. Penner).

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONG., 1ST SESS., AS OF NOV. 29, 1985

[In billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
FISCAL YEAR 1986				
Current level [1]	1,069.1	982.6	793.1	1,890.2
Budget resolution, S. Con. Res. 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by		15.0		
Under resolution by	.6		2.6	188.5

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. Thus, savings from reconciliation action assumed in S. Con. Res. 32 will not be included until Congress sends the legislation to the President for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $1,903.8 billion.

SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONG., 1ST SESS., AS OF NOV. 29, 1985

[In millions of dollars]

	Budget authority	Outlays	Revenues
FISCAL YEAR 1986			
I. Enacted in previous sessions:			
Revenues			792,800
Permanent appropriations and trust funds.	717,617	631,009	
Other appropriations		185,348	
Offsetting receipts	−162,006	−162,006	
Total, enacted in previous sessions.	555,610	654,351	792,800
II. Enacted this session:			
Famine relief and recovery in Africa (Public Law 99-10).		421	
Federal supplemental compensation phaseout (Public Law 99-15).			10
Appropriations for the MX missile (Public Law 99-18).		368	
Contemporaneous record-keeping repeal bill (Public Law 99-44).			13
United States-Israel Free Trade Act (Public Law 99-47).			−8
Statue of Liberty—Ellis Island Coin Act (Public Law 99-61).	−15	31	
International Security and Development Cooperation Act (Public Law 99-83).	−25	−25	
Supplemental appropriations bill (Public Law 99-88).	36	3,138	
State Department authorization (Public Law 99-93).			2
Emergency Extension Act of 1985 (Public Law 99-107).	−49	−230	210

SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONG., 1ST SESS., AS OF NOV. 29, 1985—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Simplification of imputed interest rules (Public Law 99-121).			−31
Health professions educational assistance (Public Law 99-129).		−8	
Amendments—Special defense acquisition fund (Public Law 99-139).	100		
Energy and water appropriations, 1986 (Public Law 99-141).	15,252	8,245	
Department of Defense Authorization Act, 1986 (Public Law 99-145).	280	−5	
Legislative branch appropriations, 1986 (Public Law 99-151).	1,599	1,385	
Temporary debt limit increase (Public Law 99-155).	−34	−156	140
Agricultural extension, tobacco provision (Public Law 99-157).	−20	−20	
HUD-independent agencies appropriations, 1986 (Public Law 99-160).	56,909	36,247	
Offsetting receipts	−4,185	−4,185	
Total, enacted this session.	69,848	45,205	335
III. Continuing resolution authority:			
Continuing appropriations, 1986 (Public Law 99-154).	455,136	301,310	
Offsetting receipts	−23,808	−23,808	
Total, continuing resolution authority.	431,328	277,502	
IV. Conference agreements ratified by both Houses:			
NASA Authorization Act of 1986 (H.R. 1714).		107	
Military construction appropriations, 1986 (H.R. 3327).	8,498	2,151	
Total, conference agreements.	8,498	2,258	
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to the CIA retirement fund.	10	10	
Claims, defense	7	3	
Payment to the Foreign Service retirement trust fund [1].	(7)	(7)	
Range improvements	1		
BLM: Miscellaneous trust fund.	(2)		
Payment to air carriers, DOT.	18	17	
Retired pay—Coast Guard	21	19	
Maritime, operating-differential subsidies.		3	
BIA: Miscellaneous trust funds.	(2)	(2)	
Higher education facilities loans and insurance.	4		
Retirement pay for PHS officers.	12	6	
Medicaid	1,617	1,285	
Payment to health care trust funds [1].	(1,011)	(1,011)	
Child nutrition programs	254	234	
Advances to unemployment trust fund [1].	(516)	(516)	
Special benefits (general retirement and Federal employee retirement).	48	48	
Black lung disability trust fund.	85	85	
Assistance payments	573	573	
Veterans readjustment benefits.	180	137	
Veterans pensions	10		
Salaries of judges	3	1	
Payment to civil service retirement [1].	(214)	(214)	
National wildlife refuge fund.	(2)	(2)	
Defense pay raise—Military	925	897	
Total, entitlements	3,769	3,318	

SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONG., 1ST SESS., AS OF NOV. 29, 1985—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total, current level as of Nov. 29, 1985.	1,069,053	982,634	793,135
1986 budget resolution (S. Con. Res. 32).	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution.		15,034	
Under budget resolution.	647		2,565

[1] Interfund transactions do not add to budget totals.
[2] Less than $500,000.
Note.—Numbers may not add due to rounding.

PERMISSION TO EMIGRATE FOR ALEKSEI LODISEV AND THE STOLAR FAMILY

● Mr. LEVIN. Mr. President, a few days before the Geneva Summit, we received the good news that a small group of refuseniks had been given permission to leave the Soviet Union. Some of these refuseniks belonged to a group of 25 "divided spouses"—Soviet citizens who are married to Americans and cannot live with their spouses because of the Soviet Government's restrictive emigration policies. One of the divided spouses permitted to emigrate is Aleksei Lodisev, the husband of Sandra Gubin of Kalamazoo, MI. This is a case I have been personally involved in. Sandra Gubin has shown extraordinary courage and strength in working on behalf of her husband. She has struggled tenaciously for the right to live with her husband in the country of their choice. I share her joy and relief at the news of Aleksei's impending departure for the United States.

Another case that has been of great concern to me and to many of my colleagues in both Houses of Congress is that of Abe Stolar and his family. Abe Stolar is an American citizen. He and his wife Gita and son Michael have been trying to emigrate to Israel for over a decade. Earlier this year, when it looked as if the Stolars might finally be permitted to leave the Soviet Union, they were prevented from doing so by the Soviet Government's refusal to grant an exit visa to Michael's wife, Julia. Now it appears that the Soviets have agreed to allow all four members of the family to receive exit visas. For those of us in this Chamber who have worked on the Stolars' behalf, this is most gratifying news. We remember the past disappointments the Stolars faced after having their hopes raised, and we will rejoice with them when they finally return home.

Mr. President, it's not often that we have an opportunity to tell a human rights story with a happy ending.

Today I have had the pleasure of recounting two stories involving Soviet refuseniks that look as if they will end happily. But even as we rejoice in these potentially happy endings, we must remember that they are part of a much larger story, the sad saga of human rights violations in the Soviet Union and the plight of the refuseniks. The good news about Aleksei Lodisev, the Stolar family, and the others who recently received permission is not the end of this larger story. I hope and pray that it is only the beginning, that in the coming months we will see an increased willingness on the part of the Soviets to abide by the Helsinki accords and other international agreements they have signed relating to human rights and free emigration.

If this was an presummit gesture, let us hope that it was not merely a gesture, but that it will be followed by further concrete actions. In the meantime, we must continue to let the Soviets know that human rights is an issue of paramount importance to us and plays an essential role in all aspects of our relationship with them.●

ORDERS FOR TUESDAY, DECEMBER 3, 1985

RECESS UNTIL 9:30 A.M.

Mr. THURMOND. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 9:30 a.m., on Tuesday, December 3, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. THURMOND. Mr. President, I further ask unanimous consent that, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THURMOND. Mr. President, following morning business, the Senate will resume amendment No. 1168, the Boren PAC amendment with a time limitation of 2 hours. A rollcall vote is expected in relation to the Boren amendment.

Mr. President, following the vote in relation to the Boren amendment, by previous unanimous consent, the Senate will turn to S. 1884, the Helms-Zorinsky farm credit bill, under a time agreement that provides for final passage no later than 7 p.m. tomorrow evening. Also, the Senate will vote on the confirmation of Robert Dawson during tomorrow's session, following an hour or so of debate, by a previous unanimous-consent agreement. Therefore, rollcall votes can be expected throughout Tuesday's session.

RECESS UNTIL 9:30 A.M.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate stand in recess until 9:30 a.m., on Tuesday, December 3, 1985.

There being no objection, at 6:22 p.m., the Senate recessed until Tuesday, December 3, 1985, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate November 25, 1985, under authority of the order of the Senate of January 3, 1985:

NATIONAL CONSUMER COOPERATIVE BANK

Frank B. Sollars, of Ohio, to be a member of the board of directors of the National Consumer Cooperative Bank for a term of 3 years, reappointment.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Wayne Alden, [redacted].
Maj. James Buliszak, [redacted].
Maj. Eural C. Clippard, Jr., [redacted].
Maj. Anthony Eden, [redacted].
Maj. Richard W. Edmonds, [redacted].
Maj. Robert F. Fahrer, [redacted].
Maj. Arlo G. Hawk, [redacted].
Maj. Travis J. Howland, [redacted].
Maj. Randall M. Hurst, [redacted].
Maj. Thomas J. Kelley, [redacted].
Maj. Robert H. Lampke, [redacted].
Maj. John R. Lee, [redacted].
Maj. Michael E. Leikam, [redacted].
Maj. Stanley E. Mehrhoff, [redacted].
Maj. William W. Oakland, [redacted].
Maj. Irven V. Pope, [redacted].
Maj. Ronauld A. Ripley, [redacted].
Maj. Kerry L. Sharp, [redacted].
Maj. Michael R. Smith, [redacted].
Maj. Ralph A. Stone, [redacted].
Maj. Richard L. Tallent, [redacted].

LEGAL

To be lieutenant colonel

Maj. Daniel F. Lopez, [redacted].

CHAPLAIN

To be lieutenant colonel

Maj. David F. Shoell, [redacted].

MEDICAL CORPS

To be lieutenant colonel

Maj. Richard B. Terry, [redacted]

IN THE ARMY

The following officer for appointment as permanent professor at the U.S. Military Academy in accordance with the provisions of title 10, United States Code, section 4333:

Col. Peter D. Heimdahl, [redacted].

Executive nominations received by the Secretary of the Senate November 26, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF JUSTICE

Howard V. Adair, of Alabama, to be U.S. Marshal for the southern district of Alabama for the term of 4 years, reappointment.

Robert L. Pavlak, Sr., of Minnesota, to be U.S. Marshal for the district of Minnesota for the term of 4 years, reappointment.

Kernan H. Bagley, of Oregon, to be U.S. Marshal for the district of Oregon for the term of 4 years, reappointment.